EXHIBIT 1

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: WESTROCK COMPANY, a corporation; (AVISO AL DEMANDADO): WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; Additional Parties Attachment form is attached.

YOU ARE BEING SUED BY PLAINTIFF: ALICIA REYNA, individually, and on (LO ESTÁ DEMANDANDO EL DEMANDANTE): behalf of others similarly situated

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

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The name and address of the (El nombre y dirección de la co Superior Court of California,	orte es):	CASE NUMBER: (Número del Caso): 19CV004	1600
	none number of plaintiff's attorney, or plaintiff with úmero de teléfono del abogado del demandante,		
Matern Law Group, PC 1230 Rosecrans Avenue, Suite	200, Manhattan Beach, CA 90266	(310) 5	531-1900
DATE: 11/14/2019 (Fecha)	Clerk, by (Secretario	/s/ Jacqueline Gilbert	, Deputy <i>(Adjunto)</i>
	nmons, use Proof of Service of Summons (form a citatión use el formulario Proof of Service of S NOTICE TO THE PERSON SERVED: You are 1 as an individual defendant. 2 as the person sued under the fictitiou	ummons, (POS-010)). e served	
ans co	a. on behalf of (specify): WestRock MW under: CCP 416.10 (corporation) CCP 416.20 (defunct corporation) CCP 416.40 (association or part of the corporation)	·	ervatee)

other (specify): limited liability company

4. ____ by personal delivery on (date):

Page 1 of 1

Case 5:20-cv-01666-BLF Docume	nt 1-1 Filed 03/06/20 Page 3 of 189		
	SUM-200(A)		
SHORT TITLE:	CASE NUMBER:		
	19CV004600		
INSTRUCT	ONS FOR USE		
 This form may be used as an attachment to any summons if If this attachment is used, insert the following statement in the Attachment form is attached." 			
List additional parties (Check only one box. Use a separate pa	ge for each type of party.):		
Plaintiff X Defendant Cross-Complaina	nt Cross-Defendant		
WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive,			
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Page	1	of	_1_
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1 2 3 4 5 6 7 8 9	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated SUPERIOR COURT OF THE	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy
11	FOR THE COUNT	TY OF MONTEREY
12	ALICIA REYNA, individually, and on behalf	CASE NO.: 19CV004600
13	of others similarly situated	COMPLAINT
14	Plaintiff,	CLASS ACTION:
15 16 17 18 19 20 21 22 23 24 25 26 27	WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive, Defendants	 Failure to Provide Required Meal Periods Failure to Provide Required Rest Periods Failure to Pay Overtime Wages Failure to Pay Minimum Wages Failure to Pay All Wages Due to Discharged and Quitting Employees Failure to Maintain Required Records Failure to Furnish Accurate Itemized Wage Statements Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of Duties Unfair and Unlawful Business Practices REPRESENTATIVE ACTION: Penalties under the Labor Code Private Attorneys General Act, as Representative Action DEMAND FOR JURY TRIAL
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MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

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MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN

BEACH, CA 90266

INTRODUCTION

PLAINTIFF ALICIA REYNA ("PLAINTIFF"), an individual, demanding a jury trial, on behalf of herself and other persons similarly situated, hereby alleges as follows:

JURISDICTION AND VENUE

- 1. The Superior Court of the State of California has jurisdiction in this matter because PLAINTIFF is a resident of the State of California, and Defendants WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company and DOES 1 through 100, inclusive (collectively hereinafter, "DEFENDANTS"), are qualified to do business in California and regularly conduct business in California. Further, no federal question is at issue because the claims are based solely on California law.
- 2. Venue is proper in this judicial district and the County of Monterey, California because PLAINTIFF, and other persons similarly situated, performed work for DEFENDANTS in the County of Monterey, DEFENDANTS maintain offices and facilities and transact business in the County of Monterey, and because DEFENDANTS' illegal payroll policies and practices which are the subject of this action were applied, at least in part, to PLAINTIFF, and other persons similarly situated, in the County of Monterey.

PLAINTIFF

- 3. PLAINTIFF is a female resident of the State of California and a former employee of DEFENDANTS.
- 4. PLAINTIFF, on behalf of herself and other similarly situated current and former non-exempt employees of DEFENDANTS in the State of California at any time during the four years preceding the filing of this action, and continuing while this action is pending, brings this action to recover, among other things, wages and penalties from unpaid wages earned and due, including but not limited to unpaid minimum wages, unpaid and illegally calculated overtime

compensation, illegal meal and rest period policies, failure to pay all wages due to discharged and quitting employees, failure to indemnify employees for necessary expenditures and/or losses incurred in discharging their duties, failure to provide accurate itemized wage statements, failure to maintain required records, and interest, attorneys' fees, costs, and expenses.

5. PLAINTIFF brings this action on behalf of herself and the following similarly situated class of individuals ("CLASS MEMBERS"): all current and former non-exempt employees of DEFENDANTS in the State of California at any time within the period beginning four (4) years prior to the filing of this action and ending at the time this action settles or proceeds to final judgment (the "CLASS PERIOD"). PLAINTIFF reserves the right to name additional class representatives.

DEFENDANTS

- 6. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK COMPANY is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK COMPANY maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 7. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK SERVICES, LLC is, and at all times relevant herein was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, upon information and belief, Defendant WESTROCK SERVICES, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 8. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll

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practices or policies in, the County of Monterey, State of California.

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WESTROCK MWV, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK MWV, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of

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10. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CALIFORNIA, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CALIFORNIA, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.

PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT

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11. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of

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in, the County of Monterey, State of California.

WESTROCK PACKAGING SYSTEMS, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of

PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT

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California. Specifically, DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC maintains

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offices and facilities and conducts business in, and engages in illegal payroll practices or policies

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The true names and capacities of DOES 1 through 50, inclusive, are unknown to 13. PLAINTIFF at this time, and PLAINTIFF therefore sues such DOE Defendants under fictitious

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PLAINTIFF is informed and believes, and thereon alleges, that each Defendant names.

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designated as a DOE is in some manner highly responsible for the occurrences alleged herein, and that PLAINTIFF and CLASS MEMBERS' injuries and damages, as alleged herein, were proximately caused by the conduct of such DOE Defendants. PLAINTIFF will seek leave of the court to amend this Complaint to allege their true names and capacities of such DOE Defendants when ascertained.

- 14. At all relevant times herein, DEFENDANTS were the joint employers of PLAINTIFF and CLASS MEMBERS. PLAINTIFF is informed and believes, and thereon allege, that at all times material to this complaint DEFENDANTS were the alter egos, divisions, affiliates, integrated enterprises, joint employers, subsidiaries, parents, principals, related entities, co-conspirators, authorized agents, partners, joint venturers, and/or guarantors, actual or ostensible, of each other. Each Defendant was completely dominated by his, her or its co-Defendant, and each was the alter ego of the other.
- 15. At all relevant times herein, PLAINTIFF and CLASS MEMBERS were employed by DEFENDANTS under employment agreements that were partly written, partly oral, and partly implied. In perpetrating the acts and omissions alleged herein, DEFENDANTS, and each of them, acted pursuant to, and in furtherance of, their policies and practices of not paying PLAINTIFF and CLASS MEMBERS all wages earned and due, through methods and schemes which include, but are not limited to, failing to pay overtime premiums; failing to provide rest and meal periods; failing to properly maintain records; failing to provide accurate itemized statements for each pay period; failing to properly compensate PLAINTIFF and CLASS MEMBERS for necessary expenditures; and requiring, permitting or suffering the employees to work off the clock, in violation of the California Labor Code and the applicable Welfare Commission ("IWC") Orders.
- 16. PLAINTIFF is informed and believes, and thereon allege, that each and every one of the acts and omissions alleged herein were performed by, and/or attributable to, all DEFENDANTS, each acting as agents and/or employees, and/or under the direction and control of, each of the other DEFENDANTS, and that said acts and failures to act were within the course and scope of said agency, employment and/or direction and control.

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17. As a direct and proximate result of the unlawful actions of DEFENDANTS, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, from loss of earnings in amounts as yet unascertained, but subject to proof at trial, and within the jurisdiction of this Court.

CLASS ACTION DESIGNATION

- 18. This action is appropriately suited for a Class Action because:
- a. The potential class is a significant number. Joinder of all current and former employees individually would be impractical.
- b. This action involves common questions of law and fact to the potential class because the action focuses on DEFENDANTS' systematic course of illegal payroll practices and policies, which was applied to all non-exempt employees in violation of the Labor Code, the applicable IWC wage order, and the Business and Professions Code which prohibits unfair business practices arising from such violations.
- c. The claims of PLAINTIFF are typical of the class because DEFENDANTS subjected all non-exempt employees to identical violations of the Labor Code, the applicable IWC wage order, and the Business and Professions Code.
- d. PLAINTIFF is able to fairly and adequately protect the interests of all members of the class because it is in her best interests to prosecute the claims alleged herein to obtain full compensation due to them for all services rendered and hours worked.

FIRST CAUSE OF ACTION

Failure to Provide Required Meal Periods

[Cal. Labor Code §§ 226.7, 510, 512, 1194, 1197; IWC Wage Order No. 1-2001, § 11] (Against all DEFENDANTS)

- 15. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 16. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS required, permitted or otherwise suffered PLAINTIFF and CLASS MEMBERS to take less than

the 30-minute meal period, or to work through them, and have failed to otherwise provide the required meal periods to PLAINTIFF and CLASS MEMBERS pursuant to California Labor Code § 226.7, 512 and IWC Order No. 1-2001, § 11.

- 17. DEFENDANTS further violated California Labor Code §§ 226.7 and IWC Wage Order No. 1-2001, § 11 by failing to compensate PLAINTIFF and CLASS MEMBERS who were not provided with a meal period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a meal period was not provided.
- 18. DEFENDANTS further violated California Labor Code §§ 226.7, 510, 1194, 1197, and IWC Wage Order No. 1-2001 by failing to compensate PLAINTIFF and CLASS MEMBERS for all hours worked during their meal periods.
- 19. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

SECOND CAUSE OF ACTION

Failure to Provide Required Rest Periods

[Cal. Labor Code §§ 226.7, 512; IWC Wage Order No. 1-2001, § 12] (Against all DEFENDANTS)

- 20. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 21. At all times relevant herein, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS failed to provide rest periods to PLAINTIFF and CLASS MEMBERS as required under California Labor Code §§ 226.7 and 512, and IWC Wage Order No. 1-2001, § 12.
- 22. DEFENDANTS further violated California Labor Code § 226.7 and IWC Wage Order No. 1-2001, § 12 by failing to pay PLAINTIFF and CLASS MEMBERS who were not provided with a rest period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a rest period was not

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MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

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THIRD CAUSE OF ACTION

As a proximate result of the aforementioned violations, PLAINTIFF and CLASS

Failure to Pay Overtime Wages

[Cal. Labor Code §§ 510, 1194, 1198; IWC Wage Order No. 1-2001, § 3] (Against all DEFENDANTS)

- 24. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 25. Pursuant to California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3, DEFENDANTS are required to compensate PLAINTIFF and CLASS MEMBERS for all overtime, which is calculated at one and one-half (1 ½) times the regular rate of pay for all hours worked in excess of eight (8) hours per day and/or forty (40) hours per week, and for the first eight (8) hours on the seventh consecutive workday, with double time for all hours worked in excess of twelve (12) hours in any workday and for all hours worked in excess of eight (8) hours on the seventh consecutive day of work in any workweek.
- 26. PLAINTIFF and CLASS MEMBERS are current and former non-exempt employees entitled to the protections of California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001. During the CLASS PERIOD, DEFENDANTS failed to compensate PLAINTIFF and CLASS MEMBERS for all overtime hours worked as required under the foregoing provisions of the California Labor Code and IWC Wage Order by, among other things: failing to pay overtime at one and one-half (1 ½) or double the regular rate of pay as provided by California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate

itemized wage statements to PLAINTIFF for each pay period; and other methods to be discovered.

- 27. In violation of California law, DEFENDANTS have knowingly and willfully refused to perform their obligations to compensate PLAINTIFF and CLASS MEMBERS for all wages earned and all hours worked. As a proximate result, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, substantial losses related to the use and enjoyment of such wages, lost interest on such wages, and expenses and attorneys' fees in seeking to compel DEFENDANTS to fully perform their obligations under state law, all to their respective damages in amounts according to proof at time of trial, and within the jurisdiction of this Court.
- DEFENDANTS' conduct described herein violates California Labor Code §§ 510, 1194, 1198 and IWC Wage Order No. 1-2001, § 3. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the California Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FOURTH CAUSE OF ACTION

Failure to Pay Minimum Wages

[Cal Labor Code §§ 1194, 1197; IWC Wage Order No. 1-2001, § 4]

(Against all DEFENDANTS)

- 29. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 30. Pursuant to California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4, payment to an employee of less than the applicable minimum wage for all hours worked in a payroll period is unlawful.
- 31. During the CLASS PERIOD, DEFENDANTS failed to pay PLAINTIFF and CLASS MEMBERS minimum wages for all hours worked by, among other things: requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest

breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate itemized wage statements to PLAINTIFF and CLASS MEMBERS for each pay period; and other methods to be discovered.

32. DEFENDANTS' conduct described herein violates California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FIFTH CAUSE OF ACTION

Failure to Pay All Wages Due to Discharged and Quitting Employees [Cal. Labor Code §§ 201, 202, 203] (Against all DEFENDANTS)

- 33. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 34. Pursuant to California Labor Code § 201, 202, and 203, DEFENDANTS are required to pay all earned and unpaid wages to an employee who is discharged. California Labor Code § 201 mandates that if an employer discharges an employee, the employee's wages accrued and unpaid at the time of discharge are due and payable immediately.
- 35. Furthermore, pursuant to California Labor Code § 202, DEFENDANTS are required to pay all accrued wages due to an employee no later than 72 hours after the employee quits his or her employment, unless the employee provided 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.
- 36. California Labor Code § 203 provides that if an employer willfully fails to pay, in accordance with California Labor Code §§ 201 and 202, any wages of an employee who is discharged or who quits, the employer is liable for waiting time penalties in the form of continued

compensation to the employee at the same rate for up to 30 workdays.

- 37. During the CLASS PERIOD, DEFENDANTS have willfully failed to pay accrued wages and other compensation to PLAINTIFF and CLASS MEMBERS in accordance with California Labor Code §§ 201 and 202.
- 38. As a result, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including the waiting time penalties provided in California Labor Code § 203, together with interest thereon, as well as other available remedies.
- 39. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been deprived of compensation in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court, and are entitled to recovery of such amounts, plus interest thereon, and attorneys' fees and costs, pursuant to California Labor Code §§ 1194 and 2699.

SIXTH CAUSE OF ACTION

Failure to Maintain Required Records

[Cal. Labor Code §§ 226; IWC Wage Order No. 1-2001, § 7]

(Against all DEFENDANTS)

- 40. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 41. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive PLAINTIFF and CLASS MEMBERS of all wages earned and due, DEFENDANTS knowingly and intentionally failed to maintain records as required under California Labor Code §§ 226, 1174, and IWC Wage Order No. 1-2001, § 7, including but not limited to the following records: total daily hours worked by each employee; applicable rates of pay; all deductions; meal periods; time records showing when each employee begins and ends each work period; and accurate itemized statements.
- 42. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and are entitled to all wages earned and due, plus interest thereon. Additionally,

PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

SEVENTH CAUSE OF ACTION

Failure to Furnish Accurate Itemized Wage Statements [Cal. Labor Code §§ 226, 1174; IWC Wage Order No. 1-2001, § 7] (Against all DEFENDANTS)

- 43. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 44. During the CLASS PERIOD, DEFENDANTS routinely failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in writing showing each employee's gross wages earned, total hours worked, all deductions made, net wages earned, the name and address of the legal entity or entities employing PLAINTIFF and CLASS MEMBERS, and all applicable hourly rates in effect during each pay period and the corresponding number of hours worked at each hourly rate, in violation of California Labor Code § 226 and IWC Wage Order No. 1-2001, § 7.
- 45. During the CLASS PERIOD, DEFENDANTS knowingly and intentionally failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in accordance with California Labor Code § 226(a).
- 46. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, plus interest thereon. Additionally, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

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NINTH CAUSE OF ACTION

Unfair and Unlawful Business Practices

[Cal. Bus. & Prof. Code §§ 17200 et. seq.]

(Against all DEFENDANTS)

- 51. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 52. Each and every one of DEFENDANTS' acts and omissions in violation of the California Labor Code and/or the applicable IWC Wage Order as alleged herein, including but not limited to DEFENDANTS' failure and refusal to provide required meal periods, DEFENDANTS' failure and refusal to provide required rest periods, DEFENDANTS' failure and refusal to pay overtime compensation, DEFENDANTS' failure and refusal to pay minimum wages, DEFENDANTS' failure and refusal to pay all wages due to discharged or quitting employees, DEFENDANTS' failure and refusal to furnish accurate itemized wage statements; DEFENDANTS' failure and refusal to maintain required records, DEFENDANTS' failure and refusal to indemnify PLAINTIFF and CLASS MEMBERS for necessary expenditures and/or losses incurring in discharging their duties, constitutes an unfair and unlawful business practice under California Business and Professions Code § 17200 et seq.
- 53. DEFENDANTS' violations of California wage and hour laws constitute a business practice because DEFENDANTS' aforementioned acts and omissions were done repeatedly over a significant period of time, and in a systematic manner, to the detriment of PLAINTIFF and CLASS MEMBERS.
- 54. DEFENDANTS have avoided payment of wages, overtime wages, meal periods, rest periods, and other benefits as required by the California Labor Code, the California Code of Regulations, and the applicable IWC Wage Order. Further, DEFENDANTS have failed to record, report, and pay the correct sums of assessment to the state authorities under the California Labor Code and other applicable regulations.
- 55. As a result of DEFENDANTS' unfair and unlawful business practices, DEFENDANTS have reaped unfair and illegal profits during the CLASS PERIOD at the expense

of PLAINTIFF, CLASS MEMBERS, and members of the public. DEFENDANTS should be made to disgorge their ill-gotten gains and to restore them to PLAINTIFF and CLASS MEMBERS.

56. DEFENDANTS' unfair and unlawful business practices entitle PLAINTIFF and CLASS MEMBERS to seek preliminary and permanent injunctive relief, including but not limited to orders that DEFENDANTS account for, disgorge, and restore to PLAINTIFF and CLASS MEMBERS the wages and other compensation unlawfully withheld from them. PLAINTIFF and CLASS MEMBERS are entitled to restitution of all monies to be disgorged from DEFENDANTS in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court.

TENTH CAUSE OF ACTION

Representative Action for Civil Penalties

[Cal. Labor Code §§ 2698–2699.5]

(Against All DEFENDANTS)

- 57. PLAINTIFF incorporates herein by specific reference as though fully set forth the allegations in all preceding paragraphs, with exception of the allegations in paragraph 21 and the subparagraphs thereto.
- 58. PLAINTIFF is an "aggrieved employee" within the meaning of California Labor Code § 2699(c), and a proper representative to bring a civil action on behalf of herself and other current and former employees of DEFENDANTS pursuant to the procedures specified in California Labor Code § 2699.3, because PLAINTIFF and CLASS MEMBERS were employed by DEFENDANTS and the alleged violations of the California Labor Code were committed against PLAINTIFF and CLASS MEMBERS.
- 59. Pursuant to the California Private Attorneys General Act of 2004 ("PAGA"), Labor Code §§ 2698–2699.5, PLAINTIFF and CLASS MEMBBERS seeks to recover civil penalties, including but not limited to penalties under California Labor Code §§ 2699, 210, 226.3, 558, 1174.5, 1197.1, and IWC Wage Order No. 1-2001, § 20, from DEFENDANTS in a representative action for the violations set forth above, including but not limited to violations of

California Labor Code §§ 201, 202, 203, 204, 226, 226.7, 510, 512, 1174, 1194, 1197, 1198, and 2802. PLAINTIFF and CLASS MEMBERS are also entitled to an award of reasonable attorneys' fees and costs pursuant to California Labor Code § 2699(g)(1).

- 60. Pursuant to California Labor Code §§ 2699.3, PLAINTIFF gave written notice on August 29, 2019 by online filing to the California Labor and Workforce Development Agency ("LWDA") and by certified mail to DEFENDANTS of the specific provisions of the California Labor Code and IWC Wage Orders alleged to have been violated, including the facts and theories to support the alleged violations. More than sixty-five (65) days have passed and the LWDA has not provided notice to PLAINTIFF that it intends to investigate the alleged violations.
- 61. Therefore, PLAINTIFF has complied with all of the requirements set forth in California Labor Code § 2699.3 to commence a representative action under PAGA.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF, individually and on behalf of all other persons similarly situated, respectfully prays for relief against DEFENDANTS and DOES 1 through 50, inclusive, and each of them, as follows:

- 1. For compensatory damages in an amount to be ascertained at trial;
- 2. For restitution of all monies due to PLAINTIFF and CLASS MEMBERS, as well as disgorged profits from DEFENDANTS' unfair and unlawful business practices;
- 3. For meal and rest period compensation pursuant to California Labor Code § 226.7 and IWC Wage Order No. 1-2001;
 - 4. For liquidated damages pursuant to California Labor Code §§ 1194.2 and 1197.1;
- 5. For preliminary and permanent injunctive relief enjoining DEFENDANTS from violating the relevant provisions of the California Labor Code and the IWC Wage Orders, and from engaging in the unlawful business practices complained of herein;
 - 6. For waiting time penalties pursuant to California Labor Code § 203;
- 7. For statutory and civil penalties according to proof, including but not limited to all penalties authorized by the California Labor Code §§ 226(e) and §§ 2698–2699.5;

///

BEACH, CA 90266

- 8. For interest on the unpaid wages at 10% per annum pursuant to California Labor Code §§ 218.6, 1194, 2802, California Civil Code §§ 3287, 3288, and/or any other applicable provision providing for pre-judgment interest;
- 9. For reasonable attorneys' fees and costs pursuant to California Labor Code §§ 1194, 2699, 2802, California Civil Code § 1021.5, and any other applicable provisions providing for attorneys' fees and costs;
 - 10. For declaratory relief;
- 11. For an order requiring and certifying the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Causes of Action as a class action;
- 12. For an order appointing PLAINTIFF as class representative, and PLAINTIFF's counsel as class counsel; and
 - 13. For such further relief that the Court may deem just and proper.

DATED: November 14, 2019

Respectfully submitted,

MATERN LAW GROUP, PC

Bv:

Matthew J. Matern Tagore O. Subramaniam

Julia Z. Wells

Attorneys for Plaintiff

ALICIA REYNA, individually, and on behalf of other persons similarly situated

BEACH, CA 90266

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 21 of 189

1	<u>DEMA</u>	ND FOR JURY TRIAL
2	PLAINTIFF hereby demands a j	ury trial with respect to all issues triable of right by jury.
3	DATED: November 14, 2010	Dogwoodfylly sylvyitted
4	DATED: November 14, 2019	Respectfully submitted,
5		MATERN LAW GROUP, PC
6	By	
7		//WW///WK
8		Matthew J. Matern Tagore O. Subramaniam Julia Z. Wells
9		Julia Z. Wells Attorneys for Plaintiff
10		Attorneys for Plaintiff ALICIA REYNA, individually, and on behalf of other persons similarly situated
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MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

Case 5:20-cv-01666-	BLF Document 1-1 Filed 03/			
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Matthew Matern; Tagore Subramaniam; Julia		FOR COURT USE ONLY		
Matern Law Group, PC	a Wolld BBW. 135750, 200120, 314242	ELECTRONICALLY FILED BY		
1230 Rosecrans Avenue, Suite 200, Manhatta	Superior Court of California,			
TELEPHONE NO.: (310) 531-1900	County of Monterey			
ATTORNEY FOR (Name): Plaintiff Alicia Reyna	FAX NO.:(310) 531-1901	On 11/14/2019 12:00 PM		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MO	NTEREY			
STREET ADDRESS: 1200 Aguajito Rd.		By: Jacqueline Gilbert, Deputy		
MAILING ADDRESS: 1200 Aguajito Rd.				
CITY AND ZIP CODE: Monterey, 93940				
BRANCH NAME: Monterey Courthouse				
CASE NAME: Alicia Reyna v. Westrock Com	pany, et al.			
CIVIL CASE COVER SHEET X Unlimited Limited	Complex Case Designation	CASE NUMBER: 19CV004600		
X Unlimited Limited (Amount (Amount	Counter Joinder			
demanded demanded is	Filed with first appearance by defend	ant JUDGE:		
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	DEPT:		
Items 1–6 bel	ow must be completed (see instructions of	on page 2).		
1. Check one box below for the case type tha				
Auto Tort	Contract	Provisionally Complex Civil Litigation		
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3.400–3.403)		
Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)		
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)		
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)		
Asbestos (04)	Other contract (37)	Securities litigation (28)		
Product liability (24)	Real Property	Environmental/Toxic tort (30)		
Medical malpractice (45)	Eminent domain/Inverse	Insurance coverage claims arising from the		
Other PI/PD/WD (23)	condemnation (14)	above listed provisionally complex case types (41)		
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)			
Business tort/unfair business practice (07	, Γ	Enforcement of Judgment		
Civil rights (08)	Unlawful Detainer	Enforcement of judgment (20)		
Defamation (13)		Miscellaneous Civil Complaint		
Fraud (16)	Residential (32)	RICO (27)		
Intellectual property (19)	L Drugs (38)	Other complaint (not specified above) (42)		
Professional negligence (25)		Miscellaneous Civil Petition		
Other non-PI/PD/WD tort (35)	Asset forfeiture (05) Petition re: arbitration award (11)	Partnership and corporate governance (21)		
Wrongful termination (36)	Writ of mandate (02)	Other petition (not specified above) (43)		
l == ' ' '				
2. This case X is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:				
a. Large number of separately repres		of witnesses		
b Extensive motion practice raising		vith related actions pending in one or more courts		
issues that will be time-consuming	· —	es, states, or countries, or in a federal court		
c. X Substantial amount of documenta	ry evidence f Substantial po	stjudgment judicial supervision		
3. Remedies sought (check all that apply): a. X monetary b. X nonmonetary; declaratory or injunctive relief c. punitive				
4. Number of causes of action (specify): Ten	•			
	s action suit.			
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)				
Date: November 14, 2019				
Matthew Matern				
(TYPE OR PRINT NAME)	NOTICE	GNATURE OF PARTY OR ATTORNEY FOR PARTY)		
 Plaintiff must file this cover sheet with the f under the Probate Code, Family Code, or \ 	irst paper filed in the action or proceeding	g (except small claims cases or cases filed as of Court, rule 3.220.) Failure to file may result		
in sanctions. • File this cover sheet in addition to any cover	er sheet required by local court rule	-		
 File this cover sheet in addition to any cover sheet required by local court rule. If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all 				
other parties to the action or proceeding.				
Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only. Page 1 of 2				
Form Adopted for Mandatory Use Judicial Council of California CM-010 [Rev. July 1, 2007]	CIVIL CASE COVER SHEET	Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740; Cal. Standards of Judicial Administration, std. 3.10 www.courtinfo.ca.gov Westtaw Doc & Form Builder		
		MESTRA NOC & LOUIS BOILDES		

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death)

Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death

Product Liability (not asbestos or toxic/environmental) (24)

Medical Malpractice (45)

Medical Malpractice-

Physicians & Surgeons Other Professional Health Care Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip

and fall)

Intentional Bodily Injury/PD/WD

(e.g., assault, vandalism)

Intentional Infliction of

Emotional Distress

Negligent Infliction of

Emotional Distress

Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination,

false arrest) (not civil harassment) (08)

Defamation (e.g., slander, libel)

(13)

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (not medical or legal)

Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

CASE TYPES AND EXAMPLES

Contract

Breach of Contract/Warranty (06)

Breach of Rental/Lease

Contract (not unlawful detainer

or wrongful eviction)
Contract/Warranty Breach—Seller

Plaintiff (not fraud or negligence)

Negligent Breach of Contract/

Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open

book accounts) (09)

Collection Case-Seller Plaintiff Other Promissory Note/Collections

Case

Insurance Coverage (not provisionally

complex) (18)

Auto Subrogation

Other Coverage

Other Contract (37) Contractual Fraud

Other Contract Dispute

Real Property

Eminent Domain/Inverse

Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent

domain, landlord/tenant, or

foreclosure) **Unlawful Detainer**

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus

Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39) Review of Health Officer Order

Notice of Appeal-Labor

Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03) Construction Defect (10)

Claims Involving Mass Tort (40)

Securities Litigation (28)

Environmental/Toxic Tort (30)

Insurance Coverage Claims (arising from provisionally complex

case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)

Abstract of Judgment (Out of County)

Confession of Judgment (non-

domestic relations)

Sister State Judgment

Administrative Agency Award

(not unpaid taxes)

Petition/Certification of Entry of

Judgment on Unpaid Taxes

Other Enforcement of Judgment

Case

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified

above) (42)

Declaratory Relief Only Injunctive Relief Only (non-

harassment)

Mechanics Lien

Other Commercial Complaint

Case (non-tort/non-complex) Other Civil Complaint

(non-tort/non-complex) Miscellaneous Civil Petition

Partnership and Corporate

Governance (21)

Other Petition (not specified

above) (43)

Civil Harassment

Workplace Violence

Elder/Dependent Adult Abuse

Election Contest

Petition for Name Change

Petition for Relief From Late

Claim

Other Civil Petition

SUPERIOR COURT OF MONTEREY COUNTY Monterey Branch, 1200 Aguajito Road, Monterey, CA 93940		
Alicia Reyna	CASE NUMBER 19CV004600	
WestRock Company, et al. Case Management Conference		

NOTICE OF ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

Your case designated COMPLEX or CLASS ACTION is assigned for all purposes to Honorable Lydia M. Villarreal Dept. 13

This notice and Alternative Dispute Resolution (ADR) information packet (CI-127)* must be served together with the Summons and Complaint pursuant to California Rule of Court 3.221. Parties are required to follow the case management rules as outlined in California Rule of Court 3.722 and Chapter 6 of the Local Rules of Court found on the court website at www.montereycourt.ca.gov. A joint case management statement shall be filed prior to the conference as outlined in California Rule of Court 3.725.

Date: March 17, 2020 Time:9:00 AM

Location: 1200 Aguajito Road, Monterey, CA 93940

*The ADR information packet (CI-127) can be found at FORMS on the court's website at www.monterey.courts.ca.gov.

Pursuant to statutes of the State of California, it is the responsibility of the court to establish procedures for the timely and effective disposition of civil cases.

The court is charged with the responsibility of ensuring all parties a fair and timely resolution of their disputes, and the court is in the best position to establish neutral rules and policies without adversely affecting all parties' right to a fair trial. Effective management of the judicial system will build continuing respect by the community of government, minimize the costs to the parties and the public, and maximize the probability that cases will be timely resolved.

The goals of the Monterey County civil case and trial management system are:

- 1. To provide an effective and fair procedure for the timely disposition of civil cases;
- 2. To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions; and
- 3. To establish reasonable rules and policies to require that cases reporting "ready" for trial may be tried without unnecessary delays or interruptions.

Court proceedings are in English. If you or a witness in your case needs an interpreter, please complete Judicial Council form INT—300. You must file INT-300 at the first floor clerks counter (or by e-file) 15* business days prior to your hearing.

Los procedimientos judiciales son en inglés. Si usted o un testigo en su caso necesita un intérprete, complete el formulario INT-300 del Consejo Judicial. Debe presentar el INT-300 con los empleados legales de la oficina del primer piso (o mediante archivo electrónico) 15* días hábiles antes de su audiencia.

1 2 3 4 5 6 7 8	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/27/2019 11:42 AM By: Veronica Green, Deputy
10	SUPERIOR COURT OF TH	IE STATE OF CALIFORNIA
11	FOR THE COUNT	TY OF MONTEREY
12		
13	ALICIA REYNA, individually, and on behalf	CASE NO.: 19CV004600
14	of others similarly situated	[Assigned for all purposes to the Hon. Lydia M. Villarreal]
15	Plaintiff,	CLASS ACTION:
16	VS.	AFFIDAVIT OF PREJUDICE -
17	WESTROCK COMPANY, a Delaware corporation; WESTROCK SHARED	PEREMPTORY CHALLENGE TO JUDICIAL OFFICER
18	SERVICES, LLC, a limited liability company; WESTROCK SERVICES, LLC, a limited	[C.C.P. § 170.6]
19	liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability	
20	company; WESTROCK CONVERTING, LLC, a limited liability company; WESTROCK	Complaint filed: November 14, 2019
21	MWV, LLC, a limited liability company; WESTROCK HOLDINGS, INC., a limited	
22	liability company; WESTROCK CALIFORNIA LLC, a limited liability company; WESTROCK	
23	CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC,	
24	a limited liability company; and DOES 1 through 100, inclusive,	
25	Defendants	
26		
27		
28		
	4	

TO THE HONORABLE, THE SUPERVISING JUDGE OF THE ABOVE ENTITLED COURT:

Plaintiff Alicia Reyna, in the above-entitled matter, hereby moves that this action, which has been assigned to the Honorable Lydia M. Villarreal, Judge of the above-entitled Court, be reassigned from that judge, and that no matters hereinafter arising in this cause be heard by or assigned to the Honorable Lydia M. Villarreal on the ground that said judge is prejudiced against the plaintiff, her attorney and plaintiff's interests, in this action.

AFFIDAVIT OF PREJUDICE - PEREMPTORY CHALLENGE TO JUDICIAL OFFICER

I, Tagore Subramaniam, declare as follows:

- 1. That I am an attorney for plaintiff Alicia Reyna in the within action.
- 2. That the Honorable Lydia M. Villarreal, the judicial officer before whom the aforesaid action is assigned, is prejudiced against plaintiff Alicia Reyna, the interest of plaintiff, and her attorneys, so that declarant and plaintiff cannot and believe that he and plaintiff cannot have a fair and impartial trial or hearing before the judicial officer.

I declare under penalty of perjury according to the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 27, 2019 at Manhattan Beach, California.

Tagore O. Subramaniam
Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY		
Alicia Reyna,		
Plaintiff vs. WestRock Company; WestRock Services, LLC; WestRock Consumer Packaging Group, LLC; WestRock MWV, LLC; WestRock California LLC; WestRock California, Inc.; WestRock CP, LLC; WestRock Packaging Systems, LLC, Defendant	Clerk: Date:	Elise Mouisset 12/17/2019
	Case No.	19CV004600
Out of Court	Entries by C	lerk

Affidavit of Prejudice pursuant to 170.6 CCP against Judge Lydia M. Villareal by Plaintiff's Attorney Tagore O. Subramaniam, submitted to Judge Susan J. Matcham for reassignment.

Case is assigned to Judge Maria O. Anderson in Monterey courtroom 14.

Plaintiff's Attorney is to notice all parties accordingly.

EXHIBIT 2

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: WESTROCK COMPANY, a corporation; (AVISO AL DEMANDADO): WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; Additional Parties Attachment form is attached.

YOU ARE BEING SUED BY PLAINTIFF: ALICIA REYNA, individually, and on (LO ESTÁ DEMANDANDO EL DEMANDANTE): behalf of others similarly situated

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gow/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

			_
court is: orte es): County of Monterey		CASE NUMBER: (Número del Caso): 19CV004	600
e 200, Manhattan Beach, CA 90266			31-1900
	(Secretario)		, Deputy <i>(Adjunto)</i>
ta citatión use el formulario Proof of NOTICE TO THE PERSON SER' 1 as an individual defenda	Service of Summo VED: You are serve int.	ns, <i>(POS-010)).</i> ed	
3. XX on behalf of (specify): V	VestRock Serv	rices, LLC., a limited liabil	ity company
CCP 416.20 (de	efunct corporation) ssociation or partne limited liability	· · · · · · · · · · · · · · · · · · ·	rvatee)
	conte es): County of Monterey none number of plaintiff's attorney, of imero de teléfono del abogado del comero del come	county of Monterey none number of plaintiff's attorney, or plaintiff without are fumero de teléfono del abogado del demandante, o del desercio del composition del compositio	County of Monterey (Número del Caso): 19CV004 (none number of plaintiff's attorney, or plaintiff without an attorney, is: Matthew J. Matern fumero de teléfono del abogado del demandante, o del demandante que no tiene abogado e 200, Manhattan Beach, CA 90266 Clerk, by /s/ Jacqueline Gilbert (Secretario) Inmons, use Proof of Service of Summons (form POS-010).) Ita citatión use el formulario Proof of Service of Summons, (POS-010)). NOTICE TO THE PERSON SERVED: You are served 1 as an individual defendant. 2 as the person sued under the fictitious name of (specify): 3. XX on behalf of (specify): WestRock Services, LLC., a limited liabil under: CCP 416.10 (corporation) CCP 416.60 (minor) CCP 416.40 (association or partnership) CCP 416.90 (author) CCP 416.90 (author) CCP 416.90 (inmited liability company

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	SUM-200(A)		
SHORT TITLE:	CASE NUMBER:		
_	19CV004600		
INSTRUCTIONS FOR USE → This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons. → If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."			
List additional parties (Check only one box. Use a separate page for each type of party.):			
Plaintiff X Defendant Cross-Complainant Cross-Defendant	ndant		
WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive,			

Page 1 of 1

Page 1 of 1

1 2 3 4 5 6 7 8 9 110	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated	Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy
11		Y OF MONTEREY
11	ALICIA REYNA, individually, and on behalf	CASE NO.: 19CV004600
13	of others similarly situated	COMPLAINT
14	Plaintiff,	CLASS ACTION:
15 16 17 18 19 20 21 22 23 24 25 26 27 10 10 10 10 10 10 10 1	WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive, Defendants	 Failure to Provide Required Meal Periods Failure to Provide Required Rest Periods Failure to Pay Overtime Wages Failure to Pay Minimum Wages Failure to Pay All Wages Due to Discharged and Quitting Employees Failure to Maintain Required Records Failure to Furnish Accurate Itemized Wage Statements Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of Duties Unfair and Unlawful Business Practices REPRESENTATIVE ACTION: Penalties under the Labor Code Private Attorneys General Act, as Representative Action DEMAND FOR JURY TRIAL
28		CLASS ACTION AND REPRESENTATIVE

MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

INTRODUCTION

PLAINTIFF ALICIA REYNA ("PLAINTIFF"), an individual, demanding a jury trial, on behalf of herself and other persons similarly situated, hereby alleges as follows:

JURISDICTION AND VENUE

- 1. The Superior Court of the State of California has jurisdiction in this matter because PLAINTIFF is a resident of the State of California, and Defendants WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company and DOES 1 through 100, inclusive (collectively hereinafter, "DEFENDANTS"), are qualified to do business in California and regularly conduct business in California. Further, no federal question is at issue because the claims are based solely on California law.
- 2. Venue is proper in this judicial district and the County of Monterey, California because PLAINTIFF, and other persons similarly situated, performed work for DEFENDANTS in the County of Monterey, DEFENDANTS maintain offices and facilities and transact business in the County of Monterey, and because DEFENDANTS' illegal payroll policies and practices which are the subject of this action were applied, at least in part, to PLAINTIFF, and other persons similarly situated, in the County of Monterey.

PLAINTIFF

- 3. PLAINTIFF is a female resident of the State of California and a former employee of DEFENDANTS.
- 4. PLAINTIFF, on behalf of herself and other similarly situated current and former non-exempt employees of DEFENDANTS in the State of California at any time during the four years preceding the filing of this action, and continuing while this action is pending, brings this action to recover, among other things, wages and penalties from unpaid wages earned and due, including but not limited to unpaid minimum wages, unpaid and illegally calculated overtime

compensation, illegal meal and rest period policies, failure to pay all wages due to discharged and quitting employees, failure to indemnify employees for necessary expenditures and/or losses incurred in discharging their duties, failure to provide accurate itemized wage statements, failure to maintain required records, and interest, attorneys' fees, costs, and expenses.

5. PLAINTIFF brings this action on behalf of herself and the following similarly situated class of individuals ("CLASS MEMBERS"): all current and former non-exempt employees of DEFENDANTS in the State of California at any time within the period beginning four (4) years prior to the filing of this action and ending at the time this action settles or proceeds to final judgment (the "CLASS PERIOD"). PLAINTIFF reserves the right to name additional class representatives.

DEFENDANTS

- 6. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK COMPANY is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK COMPANY maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 7. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK SERVICES, LLC is, and at all times relevant herein was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, upon information and belief, Defendant WESTROCK SERVICES, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 8. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll

practices or policies in, the County of Monterey, State of California.

- 9. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK MWV, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK MWV, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 10. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CALIFORNIA, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CALIFORNIA, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 11. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 12. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 13. The true names and capacities of DOES 1 through 50, inclusive, are unknown to PLAINTIFF at this time, and PLAINTIFF therefore sues such DOE Defendants under fictitious names. PLAINTIFF is informed and believes, and thereon alleges, that each Defendant

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designated as a DOE is in some manner highly responsible for the occurrences alleged herein, and that PLAINTIFF and CLASS MEMBERS' injuries and damages, as alleged herein, were proximately caused by the conduct of such DOE Defendants. PLAINTIFF will seek leave of the court to amend this Complaint to allege their true names and capacities of such DOE Defendants when ascertained.

- 14. At all relevant times herein, DEFENDANTS were the joint employers of PLAINTIFF and CLASS MEMBERS. PLAINTIFF is informed and believes, and thereon allege, that at all times material to this complaint DEFENDANTS were the alter egos, divisions, affiliates, integrated enterprises, joint employers, subsidiaries, parents, principals, related entities, co-conspirators, authorized agents, partners, joint venturers, and/or guarantors, actual or ostensible, of each other. Each Defendant was completely dominated by his, her or its co-Defendant, and each was the alter ego of the other.
- At all relevant times herein, PLAINTIFF and CLASS MEMBERS were employed 15. by DEFENDANTS under employment agreements that were partly written, partly oral, and partly implied. In perpetrating the acts and omissions alleged herein, DEFENDANTS, and each of them, acted pursuant to, and in furtherance of, their policies and practices of not paying PLAINTIFF and CLASS MEMBERS all wages earned and due, through methods and schemes which include, but are not limited to, failing to pay overtime premiums; failing to provide rest and meal periods; failing to properly maintain records; failing to provide accurate itemized statements for each pay period; failing to properly compensate PLAINTIFF and CLASS MEMBERS for necessary expenditures; and requiring, permitting or suffering the employees to work off the clock, in violation of the California Labor Code and the applicable Welfare Commission ("IWC") Orders.
- 16. PLAINTIFF is informed and believes, and thereon allege, that each and every one of the acts and omissions alleged herein were performed by, and/or attributable to, all DEFENDANTS, each acting as agents and/or employees, and/or under the direction and control of, each of the other DEFENDANTS, and that said acts and failures to act were within the course and scope of said agency, employment and/or direction and control.

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17. As a direct and proximate result of the unlawful actions of DEFENDANTS, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, from loss of earnings in amounts as yet unascertained, but subject to proof at trial, and within the jurisdiction of this Court.

CLASS ACTION DESIGNATION

- 18. This action is appropriately suited for a Class Action because:
- a. The potential class is a significant number. Joinder of all current and former employees individually would be impractical.
- b. This action involves common questions of law and fact to the potential class because the action focuses on DEFENDANTS' systematic course of illegal payroll practices and policies, which was applied to all non-exempt employees in violation of the Labor Code, the applicable IWC wage order, and the Business and Professions Code which prohibits unfair business practices arising from such violations.
- c. The claims of PLAINTIFF are typical of the class because DEFENDANTS subjected all non-exempt employees to identical violations of the Labor Code, the applicable IWC wage order, and the Business and Professions Code.
- d. PLAINTIFF is able to fairly and adequately protect the interests of all members of the class because it is in her best interests to prosecute the claims alleged herein to obtain full compensation due to them for all services rendered and hours worked.

FIRST CAUSE OF ACTION

Failure to Provide Required Meal Periods

[Cal. Labor Code §§ 226.7, 510, 512, 1194, 1197; IWC Wage Order No. 1-2001, § 11] (Against all DEFENDANTS)

- 15. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 16. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS required, permitted or otherwise suffered PLAINTIFF and CLASS MEMBERS to take less than

the 30-minute meal period, or to work through them, and have failed to otherwise provide the required meal periods to PLAINTIFF and CLASS MEMBERS pursuant to California Labor Code § 226.7, 512 and IWC Order No. 1-2001, § 11.

- 17. DEFENDANTS further violated California Labor Code §§ 226.7 and IWC Wage Order No. 1-2001, § 11 by failing to compensate PLAINTIFF and CLASS MEMBERS who were not provided with a meal period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a meal period was not provided.
- 18. DEFENDANTS further violated California Labor Code §§ 226.7, 510, 1194, 1197, and IWC Wage Order No. 1-2001 by failing to compensate PLAINTIFF and CLASS MEMBERS for all hours worked during their meal periods.
- 19. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

SECOND CAUSE OF ACTION

Failure to Provide Required Rest Periods

[Cal. Labor Code §§ 226.7, 512; IWC Wage Order No. 1-2001, § 12]

(Against all DEFENDANTS)

- 20. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 21. At all times relevant herein, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS failed to provide rest periods to PLAINTIFF and CLASS MEMBERS as required under California Labor Code §§ 226.7 and 512, and IWC Wage Order No. 1-2001, § 12.
- 22. DEFENDANTS further violated California Labor Code § 226.7 and IWC Wage Order No. 1-2001, § 12 by failing to pay PLAINTIFF and CLASS MEMBERS who were not provided with a rest period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a rest period was not

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earned and due, interest, penalties, expenses, and costs of suit.

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23. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages

THIRD CAUSE OF ACTION

Failure to Pay Overtime Wages

[Cal. Labor Code §§ 510, 1194, 1198; IWC Wage Order No. 1-2001, § 3]

(Against all DEFENDANTS)

- PLAINTIFF incorporates herein by specific reference, as though fully set forth, the 24. allegations in the foregoing paragraphs.
- 25. Pursuant to California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3, DEFENDANTS are required to compensate PLAINTIFF and CLASS MEMBERS for all overtime, which is calculated at one and one-half (1 ½) times the regular rate of pay for all hours worked in excess of eight (8) hours per day and/or forty (40) hours per week, and for the first eight (8) hours on the seventh consecutive workday, with double time for all hours worked in excess of twelve (12) hours in any workday and for all hours worked in excess of eight (8) hours on the seventh consecutive day of work in any workweek.
- 26. PLAINTIFF and CLASS MEMBERS are current and former non-exempt employees entitled to the protections of California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001. During the CLASS PERIOD, DEFENDANTS failed to compensate PLAINTIFF and CLASS MEMBERS for all overtime hours worked as required under the foregoing provisions of the California Labor Code and IWC Wage Order by, among other things: failing to pay overtime at one and one-half (1 ½) or double the regular rate of pay as provided by California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate

itemized wage statements to PLAINTIFF for each pay period; and other methods to be discovered.

- 27. In violation of California law, DEFENDANTS have knowingly and willfully refused to perform their obligations to compensate PLAINTIFF and CLASS MEMBERS for all wages earned and all hours worked. As a proximate result, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, substantial losses related to the use and enjoyment of such wages, lost interest on such wages, and expenses and attorneys' fees in seeking to compel DEFENDANTS to fully perform their obligations under state law, all to their respective damages in amounts according to proof at time of trial, and within the jurisdiction of this Court.
- 28. DEFENDANTS' conduct described herein violates California Labor Code §§ 510, 1194, 1198 and IWC Wage Order No. 1-2001, § 3. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the California Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FOURTH CAUSE OF ACTION

Failure to Pay Minimum Wages

[Cal Labor Code §§ 1194, 1197; IWC Wage Order No. 1-2001, § 4]

(Against all DEFENDANTS)

- 29. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 30. Pursuant to California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4, payment to an employee of less than the applicable minimum wage for all hours worked in a payroll period is unlawful.
- 31. During the CLASS PERIOD, DEFENDANTS failed to pay PLAINTIFF and CLASS MEMBERS minimum wages for all hours worked by, among other things: requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest

breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate itemized wage statements to PLAINTIFF and CLASS MEMBERS for each pay period; and other methods to be discovered.

32. DEFENDANTS' conduct described herein violates California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FIFTH CAUSE OF ACTION

Failure to Pay All Wages Due to Discharged and Quitting Employees [Cal. Labor Code §§ 201, 202, 203]

(Against all DEFENDANTS)

- 33. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 34. Pursuant to California Labor Code § 201, 202, and 203, DEFENDANTS are required to pay all earned and unpaid wages to an employee who is discharged. California Labor Code § 201 mandates that if an employer discharges an employee, the employee's wages accrued and unpaid at the time of discharge are due and payable immediately.
- 35. Furthermore, pursuant to California Labor Code § 202, DEFENDANTS are required to pay all accrued wages due to an employee no later than 72 hours after the employee quits his or her employment, unless the employee provided 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.
- 36. California Labor Code § 203 provides that if an employer willfully fails to pay, in accordance with California Labor Code §§ 201 and 202, any wages of an employee who is discharged or who quits, the employer is liable for waiting time penalties in the form of continued

compensation to the employee at the same rate for up to 30 workdays.

- 37. During the CLASS PERIOD, DEFENDANTS have willfully failed to pay accrued wages and other compensation to PLAINTIFF and CLASS MEMBERS in accordance with California Labor Code §§ 201 and 202.
- 38. As a result, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including the waiting time penalties provided in California Labor Code § 203, together with interest thereon, as well as other available remedies.
- 39. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been deprived of compensation in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court, and are entitled to recovery of such amounts, plus interest thereon, and attorneys' fees and costs, pursuant to California Labor Code §§ 1194 and 2699.

SIXTH CAUSE OF ACTION

Failure to Maintain Required Records

[Cal. Labor Code §§ 226; IWC Wage Order No. 1-2001, § 7]

(Against all DEFENDANTS)

- 40. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 41. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive PLAINTIFF and CLASS MEMBERS of all wages earned and due, DEFENDANTS knowingly and intentionally failed to maintain records as required under California Labor Code §§ 226, 1174, and IWC Wage Order No. 1-2001, § 7, including but not limited to the following records: total daily hours worked by each employee; applicable rates of pay; all deductions; meal periods; time records showing when each employee begins and ends each work period; and accurate itemized statements.
- 42. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and are entitled to all wages earned and due, plus interest thereon. Additionally,

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PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

SEVENTH CAUSE OF ACTION

Failure to Furnish Accurate Itemized Wage Statements [Cal. Labor Code §§ 226, 1174; IWC Wage Order No. 1-2001, § 7] (Against all DEFENDANTS)

- 43. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 44. During the CLASS PERIOD, DEFENDANTS routinely failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in writing showing each employee's gross wages earned, total hours worked, all deductions made, net wages earned, the name and address of the legal entity or entities employing PLAINTIFF and CLASS MEMBERS, and all applicable hourly rates in effect during each pay period and the corresponding number of hours worked at each hourly rate, in violation of California Labor Code § 226 and IWC Wage Order No. 1-2001, § 7.
- 45. During the CLASS PERIOD, DEFENDANTS knowingly and intentionally failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in accordance with California Labor Code § 226(a).
- 46. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, plus interest thereon. Additionally, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

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NINTH CAUSE OF ACTION

Unfair and Unlawful Business Practices

[Cal. Bus. & Prof. Code §§ 17200 et. seq.]

(Against all DEFENDANTS)

- 51. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 52. Each and every one of DEFENDANTS' acts and omissions in violation of the California Labor Code and/or the applicable IWC Wage Order as alleged herein, including but not limited to DEFENDANTS' failure and refusal to provide required meal periods, DEFENDANTS' failure and refusal to provide required rest periods, DEFENDANTS' failure and refusal to pay overtime compensation, DEFENDANTS' failure and refusal to pay minimum wages, DEFENDANTS' failure and refusal to pay all wages due to discharged or quitting employees, DEFENDANTS' failure and refusal to furnish accurate itemized wage statements; DEFENDANTS' failure and refusal to maintain required records, DEFENDANTS' failure and refusal to indemnify PLAINTIFF and CLASS MEMBERS for necessary expenditures and/or losses incurring in discharging their duties, constitutes an unfair and unlawful business practice under California Business and Professions Code § 17200 et seq.
- 53. DEFENDANTS' violations of California wage and hour laws constitute a business practice because DEFENDANTS' aforementioned acts and omissions were done repeatedly over a significant period of time, and in a systematic manner, to the detriment of PLAINTIFF and CLASS MEMBERS.
- 54. DEFENDANTS have avoided payment of wages, overtime wages, meal periods, rest periods, and other benefits as required by the California Labor Code, the California Code of Regulations, and the applicable IWC Wage Order. Further, DEFENDANTS have failed to record, report, and pay the correct sums of assessment to the state authorities under the California Labor Code and other applicable regulations.
- 55. As a result of DEFENDANTS' unfair and unlawful business practices, DEFENDANTS have reaped unfair and illegal profits during the CLASS PERIOD at the expense

of PLAINTIFF, CLASS MEMBERS, and members of the public. DEFENDANTS should be made to disgorge their ill-gotten gains and to restore them to PLAINTIFF and CLASS MEMBERS.

56. DEFENDANTS' unfair and unlawful business practices entitle PLAINTIFF and CLASS MEMBERS to seek preliminary and permanent injunctive relief, including but not limited to orders that DEFENDANTS account for, disgorge, and restore to PLAINTIFF and CLASS MEMBERS the wages and other compensation unlawfully withheld from them. PLAINTIFF and CLASS MEMBERS are entitled to restitution of all monies to be disgorged from DEFENDANTS in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court.

TENTH CAUSE OF ACTION

Representative Action for Civil Penalties

[Cal. Labor Code §§ 2698–2699.5]

(Against All DEFENDANTS)

- 57. PLAINTIFF incorporates herein by specific reference as though fully set forth the allegations in all preceding paragraphs, with exception of the allegations in paragraph 21 and the subparagraphs thereto.
- 58. PLAINTIFF is an "aggrieved employee" within the meaning of California Labor Code § 2699(c), and a proper representative to bring a civil action on behalf of herself and other current and former employees of DEFENDANTS pursuant to the procedures specified in California Labor Code § 2699.3, because PLAINTIFF and CLASS MEMBERS were employed by DEFENDANTS and the alleged violations of the California Labor Code were committed against PLAINTIFF and CLASS MEMBERS.
- 59. Pursuant to the California Private Attorneys General Act of 2004 ("PAGA"), Labor Code §§ 2698–2699.5, PLAINTIFF and CLASS MEMBBERS seeks to recover civil penalties, including but not limited to penalties under California Labor Code §§ 2699, 210, 226.3, 558, 1174.5, 1197.1, and IWC Wage Order No. 1-2001, § 20, from DEFENDANTS in a representative action for the violations set forth above, including but not limited to violations of

California Labor Code §§ 201, 202, 203, 204, 226, 226.7, 510, 512, 1174, 1194, 1197, 1198, and 2802. PLAINTIFF and CLASS MEMBERS are also entitled to an award of reasonable attorneys' fees and costs pursuant to California Labor Code § 2699(g)(1).

- 60. Pursuant to California Labor Code §§ 2699.3, PLAINTIFF gave written notice on August 29, 2019 by online filing to the California Labor and Workforce Development Agency ("LWDA") and by certified mail to DEFENDANTS of the specific provisions of the California Labor Code and IWC Wage Orders alleged to have been violated, including the facts and theories to support the alleged violations. More than sixty-five (65) days have passed and the LWDA has not provided notice to PLAINTIFF that it intends to investigate the alleged violations.
- 61. Therefore, PLAINTIFF has complied with all of the requirements set forth in California Labor Code § 2699.3 to commence a representative action under PAGA.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF, individually and on behalf of all other persons similarly situated, respectfully prays for relief against DEFENDANTS and DOES 1 through 50, inclusive, and each of them, as follows:

- 1. For compensatory damages in an amount to be ascertained at trial;
- 2. For restitution of all monies due to PLAINTIFF and CLASS MEMBERS, as well as disgorged profits from DEFENDANTS' unfair and unlawful business practices;
- 3. For meal and rest period compensation pursuant to California Labor Code § 226.7 and IWC Wage Order No. 1-2001;
 - 4. For liquidated damages pursuant to California Labor Code §§ 1194.2 and 1197.1;
- 5. For preliminary and permanent injunctive relief enjoining DEFENDANTS from violating the relevant provisions of the California Labor Code and the IWC Wage Orders, and from engaging in the unlawful business practices complained of herein;
 - 6. For waiting time penalties pursuant to California Labor Code § 203;
- 7. For statutory and civil penalties according to proof, including but not limited to all penalties authorized by the California Labor Code §§ 226(e) and §§ 2698–2699.5;

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- 8. For interest on the unpaid wages at 10% per annum pursuant to California Labor Code §§ 218.6, 1194, 2802, California Civil Code §§ 3287, 3288, and/or any other applicable provision providing for pre-judgment interest;
- 9. For reasonable attorneys' fees and costs pursuant to California Labor Code §§ 1194, 2699, 2802, California Civil Code § 1021.5, and any other applicable provisions providing for attorneys' fees and costs;
 - 10. For declaratory relief;
- 11. For an order requiring and certifying the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Causes of Action as a class action;
- 12. For an order appointing PLAINTIFF as class representative, and PLAINTIFF's counsel as class counsel; and
 - 13. For such further relief that the Court may deem just and proper.

DATED: November 14, 2019

Respectfully submitted,

MATERN LAW GROUP, PC

By:

Matthew J. Matern

Tagore O. Subramaniam

Julia Z. Wells

Attorneys for Plaintiff

ALICIA REYNA, individually, and on behalf of other persons similarly situated

MANHATTAN BEACH, CA 90266

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 48 of 189

1	DEMAND FOR JURY TRIAL		
2	PLAINTIFF hereby demands a jury trial with respect to all issues triable of right by jury		
3 DATED: November 14, 2010 Begreatfully sylmitted			
4	DATED: November 14, 2019	Respectfully submitted,	
5		MATERN LAW GROUP, PC	
6	Ву:		
7		·///////	
8		Matthew J. Matern Tagore O. Subramaniam Julia Z. Wells	
9		Julia Z. Wells Attorneys for Plaintiff	
10		Attorneys for Plaintiff ALICIA REYNA, individually, and on behalf of other persons similarly situated	
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MATERN LAW GROUP
1230 ROSECRANS
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MANHATTAN
BEACH, CA 90266

factors requiring exceptional judicial management: a. Large number of separately represented parties b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. X Substantial amount of documentary evidence 3. Remedies sought (check all that apply): a. X monetary 4. Number of causes of action (specify): Ten (10) 5. This case X is is not a class action suit.	Case 5:20-cv-01666-	BLF Document 1-1 Filed 03/06	5/20 Page 49 of 189 CM-010
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 Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code. Family Code. or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result 			
Inder the Probate Gode. Family Gode, or Wellate and Institutions Gode). (Cal. nules of Godit, fule 3.220.) Family Gode, or Wellate and Institutions Gode).	Plaintiff must file this cover sheet with the	first paper filed in the action or proceeding (e	except small claims cases or cases filed
in sanctions.			
File this cover sheet in addition to any cover sheet required by local court rule.			
• If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all			
other parties to the action or proceeding.	other parties to the action or proceeding.		
 Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only. 	Unless this is a collections case under rule	e 3.740 or a complex case, this cover sheet v	viii be used for statistical purposes only. Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filling a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort

Asbestos (04)

Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death

Product Liability (not asbestos or toxic/environmental) (24)

Medical Malpractice (45)

Medical Malpractice-

Physicians & Surgeons Other Professional Health Care Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip

and fall)

Intentional Bodily Injury/PD/WD

(e.g., assault, vandalism) Intentional Infliction of

Emotional Distress Negligent Infliction of

Emotional Distress

Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination,

false arrest) (not civil

harassment) (08)

Defamation (e.g., slander, libel)

(13)Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice

(not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

CASE TYPES AND EXAMPLES

Contract

Breach of Contract/Warranty (06)

Breach of Rental/Lease

Contract (not unlawful detainer or wrongful eviction)

Contract/Warranty Breach-Seller

Plaintiff (not fraud or negligence)

Negligent Breach of Contract/ Warranty

Other Breach of Contract/Warranty Collections (e.g., money owed, open

book accounts) (09)

Collection Case Seller Plaintiff

Other Promissory Note/Collections

Case Insurance Coverage (not provisionally

complex) (18)

Auto Subrogation

Other Coverage

Other Contract (37) Contractual Fraud

Other Contract Dispute

Real Property

Eminent Domain/Inverse

Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent

domain, landlord/tenant, or

foreclosure)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus

Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39) Review of Health Officer Order

> Notice of Appeal-Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03) Construction Defect (10)

Claims Involving Mass Tort (40)

Securities Litigation (28)

Environmental/Toxic Tort (30)

Insurance Coverage Claims (arising from provisionally complex

case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20) Abstract of Judgment (Out of

County)

Confession of Judgment (non-

domestic relations)

Sister State Judgment

Administrative Agency Award

(not unpaid taxes)

Petition/Certification of Entry of

Judgment on Unpaid Taxes

Other Enforcement of Judgment

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified above) (42)

Declaratory Relief Only Injunctive Relief Only (non-

harassment)

Mechanics Lien

Other Commercial Complaint

Case (non-tort/non-complex)

Other Civil Complaint

(non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)

Other Petition (not specified

above) (43)

Civil Harassment

Workplace Violence Elder/Dependent Adult

Abuse

Election Contest

Petition for Name Change

Petition for Relief From Late

Claim

Other Civil Petition

SUPERIOR COURT OF MONTEREY COUNTY Monterey Branch, 1200 Aguajito Road, Monterey, CA 93940				
Alicia Reyna	CASE NUMBER 19CV004600			
vs. WestRock Company, et al.	Case Management Conference			

NOTICE OF ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

Your case designated COMPLEX or CLASS ACTION is assigned for all purposes to Honorable Lydia M. Villarreal Dept. 13

This notice and Alternative Dispute Resolution (ADR) information packet (Cl-127)* must be served together with the Summons and Complaint pursuant to California Rule of Court 3.221. Parties are required to follow the case management rules as outlined in California Rule of Court 3.722 and Chapter 6 of the Local Rules of Court found on the court website at www.montereycourt.ca.gov . A joint case management statement shall be filed prior to the conference as outlined in California Rule of Court 3.725.

Date: March 17, 2020 Time:9:00 AM

Location: 1200 Aguajito Road, Monterey, CA 93940

Pursuant to statutes of the State of California, it is the responsibility of the court to establish procedures for the timely and effective disposition of civil cases.

The court is charged with the responsibility of ensuring all parties a fair and timely resolution of their disputes, and the court is in the best position to establish neutral rules and policies without adversely affecting all parties' right to a fair trial. Effective management of the judicial system will build continuing respect by the community of government, minimize the costs to the parties and the public, and maximize the probability that cases will be timely resolved.

The goals of the Monterey County civil case and trial management system are:

- 1. To provide an effective and fair procedure for the timely disposition of civil cases;
- 2. To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions; and
- 3. To establish reasonable rules and policies to require that cases reporting "ready" for trial may be tried without unnecessary delays or interruptions.

Court proceedings are in English. If you or a witness in your case needs an interpreter, please complete Judicial Council form INT—300. You must file INT-300 at the first floor clerks counter (or by e-file) 15* business days prior to your hearing.

Los procedimientos judiciales son en inglés. Si usted o un testigo en su caso necesita un intérprete, complete el formulario INT-300 del Consejo Judicial. Debe presentar el INT-300 con los empleados legales de la oficina del primer piso (o mediante archivo electrónico) 15* días hábiles antes de su audiencia.

^{*}The ADR information packet (CI-127) can be found at FORMS on the court's website at www.monterey.courts.ca.gov.

	V					
1 2 3	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126)	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/27/2019 11:42 AM By: Veronica Green, Deputy				
4	Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242)	by. Veronica Green, Deputy				
5	Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200	•				
6	Manhattan Beach, California 90266					
7	Telephone: (310) 531-1900 Facsimile: (310) 531-1901					
8 9	Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated					
10	SUPERIOR COURT OF TH	IE STATE OF CALIFORNIA				
11	FOR THE COUNT	TY OF MONTEREY				
12						
13	ALICIA REYNA, individually, and on behalf	CASE NO.: 19CV004600				
14	of others similarly situated	[Assigned for all purposes to the Hon. Lydia M. Villarreal]				
15	Plaintiff,	CLASS ACTION:				
16	VS.	AFFIDAVIT OF PREJUDICE -				
17	WESTROCK COMPANY, a Delaware corporation; WESTROCK SHARED	PEREMPTORY CHALLENGE TO JUDICIAL OFFICER				
18	SERVICES, LLC, a limited liability company; WESTROCK SERVICES, LLC, a limited	[C.C.P. § 170.6]				
19	liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability					
20	company; WESTROCK CONVERTING, LLC, a limited liability company; WESTROCK	Complaint filed: November 14, 2019				
21	MWV, LLC, a limited liability company; WESTROCK HOLDINGS, INC., a limited					
22	liability company; WESTROCK CALIFORNIA LLC, a limited liability company; WESTROCK					
23	CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC,					
24	a limited liability company; and DOES 1 through 100, inclusive,					
25	Defendants					
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OUP	·	A FEID A VIT OF PREHIDICE DEDEMOTORY				

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COURT:

TO THE HONORABLE, THE SUPERVISING JUDGE OF THE ABOVE ENTITLED

Plaintiff Alicia Reyna, in the above-entitled matter, hereby moves that this action, which has been assigned to the Honorable Lydia M. Villarreal, Judge of the above-entitled Court, be reassigned from that judge, and that no matters hereinafter arising in this cause be heard by or assigned to the Honorable Lydia M. Villarreal on the ground that said judge is prejudiced against the plaintiff, her attorney and plaintiff's interests, in this action.

AFFIDAVIT OF PREJUDICE - PEREMPTORY CHALLENGE TO JUDICIAL **OFFICER**

- I, Tagore Subramaniam, declare as follows:
- That I am an attorney for plaintiff Alicia Reyna in the within action. 1.
- 2. That the Honorable Lydia M. Villarreal, the judicial officer before whom the aforesaid action is assigned, is prejudiced against plaintiff Alicia Reyna, the interest of plaintiff, and her attorneys, so that declarant and plaintiff cannot and believe that he and plaintiff cannot have a fair and impartial trial or hearing before the judicial officer.

I declare under penalty of perjury according to the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 27, 2019 at Manhattan Beach, California.

Tagore O. Subramaniam

Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated

SUPERIOR COURT OF CALI	FORNIA, COU	NTY OF MONTEREY
Alicia Reyna,		
Plaintiff vs. WestRock Company; WestRock Services, LLC; WestRock Consumer Packaging Group, LLC; WestRock MWV, LLC; WestRock California LLC; WestRock California, Inc.; WestRock CP, LLC; WestRock Packaging Systems, LLC, Defendant	Clerk: Date:	Elise Moulsset 12/17/2019
Defendant	Case No.	19CV004600
Out of Cour	t Entries by C	lerk

Affidavit of Prejudice pursuant to 170.6 CCP against Judge Lydla M. Villareal by Plaintiff's Attorney Tagore O. Subramaniam, submitted to Judge Susan J. Matcham for reassignment.

Case is assigned to Judge Marla O. Anderson in Monterey courtroom 14.

Plaintiff's Attorney is to notice all parties accordingly.

EXHIBIT 3

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: WESTROCK COMPANY, a corporation; (AVISO AL DEMANDADO): WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; Additional Parties Attachment form is attached.

YOU ARE BEING SUED BY PLAINTIFF: ALICIA REYNA, individually, and on (LO ESTÁ DEMANDANDO EL DEMANDANTE): behalf of others similarly situated

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

pagar ei gravamen de la coπe an	tes de que la corte pueda desechar el c	aso.				
The name and address of the of El nombre y dirección de la co Superior Court of California, O		CASE NU (Número d	MBER; del Caso):	19CV004600		
1200 Aguajito Rd. Monterey, California 93940			<u> </u>			
The name, address, and teleph	none number of plaintiffs attorney, c ímero de teléfono del abogado del c					
Matern Law Group, PC						
1230 Rosecrans Avenue, Suite	200, Manhattan Beach, CA 90266				(310) 531-190	00
DATE: 11/14/2019 (Fecha)		Clerk, by (Secretario)	/s/ Jacquelin	ne Gilb	ert	, Deputy <i>(Adjunto)</i>
	nmons, use Proof of Service of Sum ta citatión use el formulario Proof of NOTICE TO THE PERSON SER	Service of Su	mmons, (POS-01	0)).		
SEAL)	as an individual defenda as the person sued under	int.) <i>:</i>		
S A N	3. XX on behalf of (specify): W	estRock Cons	umer Packaging	Group, I	LC, a limited liab	oility compa
S	under: CCP 416.10 (cc CCP 416.20 (de CCP 416.40 (as	funct corporat	• —	CCP 4	16.60 (minor) 16.70 (conservatee 16.90 (authorized p	
OF MOS	other (specify):	limited liability	company /			

4. [

by personal delivery on (date):

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 57 of 189

SHORT TITLE:

INSTRUCTIONS FOR USE

This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.

It this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff X Defendant Cross-Complainant Cross-Defendant

WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.;
WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company;

Page 1 of 1

Page 1 of 1

and DOES 1 through 100, inclusive,

1 2 3 4 5 6 7 8 9	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated SUPERIOR COURT OF TE	Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy
11	FOR THE COUNT	TY OF MONTEREY
12	ALICIA REYNA, individually, and on behalf of others similarly situated	CASE NO.: 19CV004600
13 14	Plaintiff,	CLASS ACTION:
15 16 17 18 19 20 21 22 23 24 25 26 27	WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive, Defendants	 Failure to Provide Required Meal Periods Failure to Provide Required Rest Periods Failure to Pay Overtime Wages Failure to Pay Minimum Wages Failure to Pay All Wages Due to Discharged and Quitting Employees Failure to Maintain Required Records Failure to Furnish Accurate Itemized Wage Statements Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of Duties Unfair and Unlawful Business Practices REPRESENTATIVE ACTION: Penalties under the Labor Code Private Attorneys General Act, as Representative Action DEMAND FOR JURY TRIAL
28		CLASS ACTION AND REPRESENTATIVE

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INTRODUCTION

PLAINTIFF ALICIA REYNA ("PLAINTIFF"), an individual, demanding a jury trial, on behalf of herself and other persons similarly situated, hereby alleges as follows:

JURISDICTION AND VENUE

- 1. The Superior Court of the State of California has jurisdiction in this matter because PLAINTIFF is a resident of the State of California, and Defendants WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company and DOES 1 through 100, inclusive (collectively hereinafter, "DEFENDANTS"), are qualified to do business in California and regularly conduct business in California. Further, no federal question is at issue because the claims are based solely on California law.
- 2. Venue is proper in this judicial district and the County of Monterey, California because PLAINTIFF, and other persons similarly situated, performed work for DEFENDANTS in the County of Monterey, DEFENDANTS maintain offices and facilities and transact business in the County of Monterey, and because DEFENDANTS' illegal payroll policies and practices which are the subject of this action were applied, at least in part, to PLAINTIFF, and other persons similarly situated, in the County of Monterey.

PLAINTIFF

- 3. PLAINTIFF is a female resident of the State of California and a former employee of DEFENDANTS.
- 4. PLAINTIFF, on behalf of herself and other similarly situated current and former non-exempt employees of DEFENDANTS in the State of California at any time during the four years preceding the filing of this action, and continuing while this action is pending, brings this action to recover, among other things, wages and penalties from unpaid wages earned and due, including but not limited to unpaid minimum wages, unpaid and illegally calculated overtime

compensation, illegal meal and rest period policies, failure to pay all wages due to discharged and quitting employees, failure to indemnify employees for necessary expenditures and/or losses incurred in discharging their duties, failure to provide accurate itemized wage statements, failure to maintain required records, and interest, attorneys' fees, costs, and expenses.

5. PLAINTIFF brings this action on behalf of herself and the following similarly situated class of individuals ("CLASS MEMBERS"): all current and former non-exempt employees of DEFENDANTS in the State of California at any time within the period beginning four (4) years prior to the filing of this action and ending at the time this action settles or proceeds to final judgment (the "CLASS PERIOD"). PLAINTIFF reserves the right to name additional class representatives.

DEFENDANTS

- 6. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK COMPANY is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK COMPANY maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 7. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK SERVICES, LLC is, and at all times relevant herein was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, upon information and belief, Defendant WESTROCK SERVICES, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 8. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll

practices or policies in, the County of Monterey, State of California.

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9. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK MWV, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK MWV, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.

- 10. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CALIFORNIA, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CALIFORNIA, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 11. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 12. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 13. The true names and capacities of DOES 1 through 50, inclusive, are unknown to PLAINTIFF at this time, and PLAINTIFF therefore sues such DOE Defendants under fictitious names. PLAINTIFF is informed and believes, and thereon alleges, that each Defendant

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designated as a DOE is in some manner highly responsible for the occurrences alleged herein, and that PLAINTIFF and CLASS MEMBERS' injuries and damages, as alleged herein, were proximately caused by the conduct of such DOE Defendants. PLAINTIFF will seek leave of the court to amend this Complaint to allege their true names and capacities of such DOE Defendants when ascertained.

- 14. At all relevant times herein, DEFENDANTS were the joint employers of PLAINTIFF and CLASS MEMBERS. PLAINTIFF is informed and believes, and thereon allege, that at all times material to this complaint DEFENDANTS were the alter egos, divisions, affiliates, integrated enterprises, joint employers, subsidiaries, parents, principals, related entities, co-conspirators, authorized agents, partners, joint venturers, and/or guarantors, actual or ostensible, of each other. Each Defendant was completely dominated by his, her or its co-Defendant, and each was the alter ego of the other.
- 15. At all relevant times herein, PLAINTIFF and CLASS MEMBERS were employed by DEFENDANTS under employment agreements that were partly written, partly oral, and partly implied. In perpetrating the acts and omissions alleged herein, DEFENDANTS, and each of them, acted pursuant to, and in furtherance of, their policies and practices of not paying PLAINTIFF and CLASS MEMBERS all wages earned and due, through methods and schemes which include, but are not limited to, failing to pay overtime premiums; failing to provide rest and meal periods; failing to properly maintain records; failing to provide accurate itemized statements for each pay period; failing to properly compensate PLAINTIFF and CLASS MEMBERS for necessary expenditures; and requiring, permitting or suffering the employees to work off the clock, in violation of the California Labor Code and the applicable Welfare Commission ("IWC") Orders.
- 16. PLAINTIFF is informed and believes, and thereon allege, that each and every one of the acts and omissions alleged herein were performed by, and/or attributable to, all DEFENDANTS, each acting as agents and/or employees, and/or under the direction and control of, each of the other DEFENDANTS, and that said acts and failures to act were within the course and scope of said agency, employment and/or direction and control.

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17. As a direct and proximate result of the unlawful actions of DEFENDANTS, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, from loss of earnings in amounts as yet unascertained, but subject to proof at trial, and within the jurisdiction of this Court.

CLASS ACTION DESIGNATION

- 18. This action is appropriately suited for a Class Action because:
- a. The potential class is a significant number. Joinder of all current and former employees individually would be impractical.
- b. This action involves common questions of law and fact to the potential class because the action focuses on DEFENDANTS' systematic course of illegal payroll practices and policies, which was applied to all non-exempt employees in violation of the Labor Code, the applicable IWC wage order, and the Business and Professions Code which prohibits unfair business practices arising from such violations.
- c. The claims of PLAINTIFF are typical of the class because DEFENDANTS subjected all non-exempt employees to identical violations of the Labor Code, the applicable IWC wage order, and the Business and Professions Code.
- d. PLAINTIFF is able to fairly and adequately protect the interests of all members of the class because it is in her best interests to prosecute the claims alleged herein to obtain full compensation due to them for all services rendered and hours worked.

FIRST CAUSE OF ACTION

Failure to Provide Required Meal Periods

[Cal. Labor Code §§ 226.7, 510, 512, 1194, 1197; IWC Wage Order No. 1-2001, § 11] (Against all DEFENDANTS)

- 15. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 16. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS required, permitted or otherwise suffered PLAINTIFF and CLASS MEMBERS to take less than

the 30-minute meal period, or to work through them, and have failed to otherwise provide the required meal periods to PLAINTIFF and CLASS MEMBERS pursuant to California Labor Code § 226.7, 512 and IWC Order No. 1-2001, § 11.

- 17. DEFENDANTS further violated California Labor Code §§ 226.7 and IWC Wage Order No. 1-2001, § 11 by failing to compensate PLAINTIFF and CLASS MEMBERS who were not provided with a meal period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a meal period was not provided.
- 18. DEFENDANTS further violated California Labor Code §§ 226.7, 510, 1194, 1197, and IWC Wage Order No. 1-2001 by failing to compensate PLAINTIFF and CLASS MEMBERS for all hours worked during their meal periods.
- 19. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

SECOND CAUSE OF ACTION

Failure to Provide Required Rest Periods

[Cal. Labor Code §§ 226.7, 512; IWC Wage Order No. 1-2001, § 12] (Against all DEFENDANTS)

- 20. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 21. At all times relevant herein, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS failed to provide rest periods to PLAINTIFF and CLASS MEMBERS as required under California Labor Code §§ 226.7 and 512, and IWC Wage Order No. 1-2001, § 12.
- 22. DEFENDANTS further violated California Labor Code § 226.7 and IWC Wage Order No. 1-2001, § 12 by failing to pay PLAINTIFF and CLASS MEMBERS who were not provided with a rest period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a rest period was not

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MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

As a proximate result of the aforementioned violations, PLAINTIFF and CLASS

THIRD CAUSE OF ACTION

Failure to Pay Overtime Wages

[Cal. Labor Code §§ 510, 1194, 1198; IWC Wage Order No. 1-2001, § 3] (Against all DEFENDANTS)

- 24. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 25. Pursuant to California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3, DEFENDANTS are required to compensate PLAINTIFF and CLASS MEMBERS for all overtime, which is calculated at one and one-half (1 ½) times the regular rate of pay for all hours worked in excess of eight (8) hours per day and/or forty (40) hours per week, and for the first eight (8) hours on the seventh consecutive workday, with double time for all hours worked in excess of twelve (12) hours in any workday and for all hours worked in excess of eight (8) hours on the seventh consecutive day of work in any workweek.
- 26. PLAINTIFF and CLASS MEMBERS are current and former non-exempt employees entitled to the protections of California Labor Code §§ 510, 1194, and IWC Wage During the CLASS PERIOD, DEFENDANTS failed to compensate Order No. 1-2001. PLAINTIFF and CLASS MEMBERS for all overtime hours worked as required under the foregoing provisions of the California Labor Code and IWC Wage Order by, among other things: failing to pay overtime at one and one-half (1 ½) or double the regular rate of pay as provided by California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate

itemized wage statements to PLAINTIFF for each pay period; and other methods to be discovered.

- 27. In violation of California law, DEFENDANTS have knowingly and willfully refused to perform their obligations to compensate PLAINTIFF and CLASS MEMBERS for all wages earned and all hours worked. As a proximate result, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, substantial losses related to the use and enjoyment of such wages, lost interest on such wages, and expenses and attorneys' fees in seeking to compel DEFENDANTS to fully perform their obligations under state law, all to their respective damages in amounts according to proof at time of trial, and within the jurisdiction of this Court.
- 28. DEFENDANTS' conduct described herein violates California Labor Code §§ 510, 1194, 1198 and IWC Wage Order No. 1-2001, § 3. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the California Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FOURTH CAUSE OF ACTION

Failure to Pay Minimum Wages

[Cal Labor Code §§ 1194, 1197; IWC Wage Order No. 1-2001, § 4]

(Against all DEFENDANTS)

- 29. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 30. Pursuant to California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4, payment to an employee of less than the applicable minimum wage for all hours worked in a payroll period is unlawful.
- 31. During the CLASS PERIOD, DEFENDANTS failed to pay PLAINTIFF and CLASS MEMBERS minimum wages for all hours worked by, among other things: requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest

breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate itemized wage statements to PLAINTIFF and CLASS MEMBERS for each pay period; and other methods to be discovered.

32. DEFENDANTS' conduct described herein violates California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FIFTH CAUSE OF ACTION

Failure to Pay All Wages Due to Discharged and Quitting Employees [Cal. Labor Code §§ 201, 202, 203] (Against all DEFENDANTS)

- 33. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 34. Pursuant to California Labor Code § 201, 202, and 203, DEFENDANTS are required to pay all earned and unpaid wages to an employee who is discharged. California Labor Code § 201 mandates that if an employer discharges an employee, the employee's wages accrued and unpaid at the time of discharge are due and payable immediately.
- 35. Furthermore, pursuant to California Labor Code § 202, DEFENDANTS are required to pay all accrued wages due to an employee no later than 72 hours after the employee quits his or her employment, unless the employee provided 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.
- 36. California Labor Code § 203 provides that if an employer willfully fails to pay, in accordance with California Labor Code §§ 201 and 202, any wages of an employee who is discharged or who quits, the employer is liable for waiting time penalties in the form of continued

compensation to the employee at the same rate for up to 30 workdays.

- 37. During the CLASS PERIOD, DEFENDANTS have willfully failed to pay accrued wages and other compensation to PLAINTIFF and CLASS MEMBERS in accordance with California Labor Code §§ 201 and 202.
- 38. As a result, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including the waiting time penalties provided in California Labor Code § 203, together with interest thereon, as well as other available remedies.
- 39. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been deprived of compensation in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court, and are entitled to recovery of such amounts, plus interest thereon, and attorneys' fees and costs, pursuant to California Labor Code §§ 1194 and 2699.

SIXTH CAUSE OF ACTION

Failure to Maintain Required Records

[Cal. Labor Code §§ 226; IWC Wage Order No. 1-2001, § 7]

(Against all DEFENDANTS)

- 40. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 41. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive PLAINTIFF and CLASS MEMBERS of all wages earned and due, DEFENDANTS knowingly and intentionally failed to maintain records as required under California Labor Code §§ 226, 1174, and IWC Wage Order No. 1-2001, § 7, including but not limited to the following records: total daily hours worked by each employee; applicable rates of pay; all deductions; meal periods; time records showing when each employee begins and ends each work period; and accurate itemized statements.
- 42. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and are entitled to all wages earned and due, plus interest thereon. Additionally,

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PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

SEVENTH CAUSE OF ACTION

Failure to Furnish Accurate Itemized Wage Statements [Cal. Labor Code §§ 226, 1174; IWC Wage Order No. 1-2001, § 7] (Against all DEFENDANTS)

- 43. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 44. During the CLASS PERIOD, DEFENDANTS routinely failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in writing showing each employee's gross wages earned, total hours worked, all deductions made, net wages earned, the name and address of the legal entity or entities employing PLAINTIFF and CLASS MEMBERS, and all applicable hourly rates in effect during each pay period and the corresponding number of hours worked at each hourly rate, in violation of California Labor Code § 226 and IWC Wage Order No. 1-2001, § 7.
- 45. During the CLASS PERIOD, DEFENDANTS knowingly and intentionally failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in accordance with California Labor Code § 226(a).
- 46. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, plus interest thereon. Additionally, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

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1	EIGHTH CAUSE OF ACTION			
2	Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of			
3	Duties			
4	[Cal. Labor Code § 2802]			
5	(Against all DEFENDANTS)			
6	47. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the			
7	allegations in the foregoing paragraphs.			
8	48. California Labor Code § 2802(a) requires an employer to indemnify an employee			
9	for all necessary expenditures or losses incurred by the employee in direct consequence of the			
10	discharge of his or her duties, or of his or her obedience to the directions of the employer.			
11	49. During the CLASS PERIOD, DEFENDANTS knowingly and willfully failed to			
12	indemnify PLAINTIFF and CLASS MEMBERS for all business expenses and/or losses incurred			
13	in direct consequence of the discharge of their duties while working under the direction of			
14	DEFENDANTS, including but not limited to expenses for tools, steel toed boots, uniform-related			
15	expenses, usage of personal cell phones, and other employment-related expenses, in violation of			
16	California Labor Code § 2802.			
17	50. As a proximate result of DEFENDANTS' unlawful actions and omissions,			
18	PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at			
19	trial, and seek reimbursement of all necessary expenditures, plus interest thereon pursuant to			
20	California Labor Code § 2802(b). Additionally, PLAINTIFF and CLASS MEMBERS are			
21	entitled to all available statutory penalties and an award of costs, expenses, and reasonable			
22	attorneys' fees, including those provided in California Labor Code § 2802(c), as well as other			
23	available remedies.			
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NINTH CAUSE OF ACTION

Unfair and Unlawful Business Practices

[Cal. Bus. & Prof. Code §§ 17200 et. seq.]

(Against all DEFENDANTS)

- 51. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 52. Each and every one of DEFENDANTS' acts and omissions in violation of the California Labor Code and/or the applicable IWC Wage Order as alleged herein, including but not limited to DEFENDANTS' failure and refusal to provide required meal periods, DEFENDANTS' failure and refusal to provide required rest periods, DEFENDANTS' failure and refusal to pay overtime compensation, DEFENDANTS' failure and refusal to pay minimum wages, DEFENDANTS' failure and refusal to pay all wages due to discharged or quitting employees, DEFENDANTS' failure and refusal to furnish accurate itemized wage statements; DEFENDANTS' failure and refusal to maintain required records, DEFENDANTS' failure and refusal to indemnify PLAINTIFF and CLASS MEMBERS for necessary expenditures and/or losses incurring in discharging their duties, constitutes an unfair and unlawful business practice under California Business and Professions Code § 17200 et seq.
- 53. DEFENDANTS' violations of California wage and hour laws constitute a business practice because DEFENDANTS' aforementioned acts and omissions were done repeatedly over a significant period of time, and in a systematic manner, to the detriment of PLAINTIFF and CLASS MEMBERS.
- 54. DEFENDANTS have avoided payment of wages, overtime wages, meal periods, rest periods, and other benefits as required by the California Labor Code, the California Code of Regulations, and the applicable IWC Wage Order. Further, DEFENDANTS have failed to record, report, and pay the correct sums of assessment to the state authorities under the California Labor Code and other applicable regulations.
- 55. As a result of DEFENDANTS' unfair and unlawful business practices, DEFENDANTS have reaped unfair and illegal profits during the CLASS PERIOD at the expense

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of PLAINTIFF, CLASS MEMBERS, and members of the public. DEFENDANTS should be made to disgorge their ill-gotten gains and to restore them to PLAINTIFF and CLASS MEMBERS.

DEFENDANTS' unfair and unlawful business practices entitle PLAINTIFF and CLASS MEMBERS to seek preliminary and permanent injunctive relief, including but not limited to orders that DEFENDANTS account for, disgorge, and restore to PLAINTIFF and CLASS MEMBERS the wages and other compensation unlawfully withheld from them. PLAINTIFF and CLASS MEMBERS are entitled to restitution of all monies to be disgorged from DEFENDANTS in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court.

TENTH CAUSE OF ACTION

Representative Action for Civil Penalties

[Cal. Labor Code §§ 2698–2699.5]

(Against All DEFENDANTS)

- 57. PLAINTIFF incorporates herein by specific reference as though fully set forth the allegations in all preceding paragraphs, with exception of the allegations in paragraph 21 and the subparagraphs thereto.
- 58. PLAINTIFF is an "aggrieved employee" within the meaning of California Labor Code § 2699(c), and a proper representative to bring a civil action on behalf of herself and other current and former employees of DEFENDANTS pursuant to the procedures specified in California Labor Code § 2699.3, because PLAINTIFF and CLASS MEMBERS were employed by DEFENDANTS and the alleged violations of the California Labor Code were committed against PLAINTIFF and CLASS MEMBERS.
- 59. Pursuant to the California Private Attorneys General Act of 2004 ("PAGA"), Labor Code §§ 2698–2699.5, PLAINTIFF and CLASS MEMBBERS seeks to recover civil penalties, including but not limited to penalties under California Labor Code §§ 2699, 210, 226.3, 558, 1174.5, 1197.1, and IWC Wage Order No. 1-2001, § 20, from DEFENDANTS in a representative action for the violations set forth above, including but not limited to violations of

California Labor Code §§ 201, 202, 203, 204, 226, 226.7, 510, 512, 1174, 1194, 1197, 1198, and 2802. PLAINTIFF and CLASS MEMBERS are also entitled to an award of reasonable attorneys' fees and costs pursuant to California Labor Code § 2699(g)(1).

- 60. Pursuant to California Labor Code §§ 2699.3, PLAINTIFF gave written notice on August 29, 2019 by online filing to the California Labor and Workforce Development Agency ("LWDA") and by certified mail to DEFENDANTS of the specific provisions of the California Labor Code and IWC Wage Orders alleged to have been violated, including the facts and theories to support the alleged violations. More than sixty-five (65) days have passed and the LWDA has not provided notice to PLAINTIFF that it intends to investigate the alleged violations.
- 61. Therefore, PLAINTIFF has complied with all of the requirements set forth in California Labor Code § 2699.3 to commence a representative action under PAGA.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF, individually and on behalf of all other persons similarly situated, respectfully prays for relief against DEFENDANTS and DOES 1 through 50, inclusive, and each of them, as follows:

- 1. For compensatory damages in an amount to be ascertained at trial;
- 2. For restitution of all monies due to PLAINTIFF and CLASS MEMBERS, as well as disgorged profits from DEFENDANTS' unfair and unlawful business practices;
- 3. For meal and rest period compensation pursuant to California Labor Code § 226.7 and IWC Wage Order No. 1-2001;
 - 4. For liquidated damages pursuant to California Labor Code §§ 1194.2 and 1197.1;
- 5. For preliminary and permanent injunctive relief enjoining DEFENDANTS from violating the relevant provisions of the California Labor Code and the IWC Wage Orders, and from engaging in the unlawful business practices complained of herein;
 - 6. For waiting time penalties pursuant to California Labor Code § 203;
- 7. For statutory and civil penalties according to proof, including but not limited to all penalties authorized by the California Labor Code §§ 226(e) and §§ 2698–2699.5;

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- 8. For interest on the unpaid wages at 10% per annum pursuant to California Labor Code §§ 218.6, 1194, 2802, California Civil Code §§ 3287, 3288, and/or any other applicable provision providing for pre-judgment interest;
- 9. For reasonable attorneys' fees and costs pursuant to California Labor Code §§ 1194, 2699, 2802, California Civil Code § 1021.5, and any other applicable provisions providing for attorneys' fees and costs;
 - 10. For declaratory relief;
- 11. For an order requiring and certifying the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Causes of Action as a class action;
- 12. For an order appointing PLAINTIFF as class representative, and PLAINTIFF's counsel as class counsel; and
 - 13. For such further relief that the Court may deem just and proper.

DATED: November 14, 2019

Respectfully submitted,

MATERN LAW GROUP, PC

Bv:

Matthew J. Matern Tagore O. Subramaniam

Julia Z. Wells

Attorneys for Plaintiff

ALICIA REYNA, individually, and on behalf of other persons similarly situated

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 75 of 189

1	DEMAND FOR JURY TRIAL		
2	PLAINTIFF hereby demands a jury trial with respect to all issues triable of right by jury.		
3			
4	DATED: November 14, 2019 Respectfully submitted,		
5	MATERN LAW GROUP, PC		
6	By:		
7			
8	Matthew J. Matern		
9	Tagore O. Subramaniam Julia Z. Wells		
10	Attorneys for Plaintiff ALICIA REYNA, individually, and on behalf of other persons similarly situated		
11	behalf of other persons similarly situated		
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Case 5:20-cv-01666-	BLF Document 1-1 Filed 03	/06/20 Page 76 of 189 CM-010			
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar	number, and address):	FOR COURT USE ONLY			
Matthew Matern; Tagore Subramaniam; Julia	Wells SBN: 159798; 280126; 314242	ELECTRONICALLY FILED BY			
Matern Law Group, PC	D 1 01 000 (6	1			
1230 Rosecrans Avenue, Suite 200, Manhatta	Superior Court of California,				
TELEPHONE NO.:(310) 531-1900	County of Monterey				
ATTORNEY FOR (Name): Plaintiff Alicia Reyna	A PORT DEST	——On 11/14/2019 12:00 PM			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MOS	NIEREY	By: Jacqueline Gilbert, Deputy			
MAILING ADDRESS: 1200 Aguajito Rd.					
city and zip code: Monterey, 93940					
BRANCH NAME: Monterey Courthouse					
CASE NAME: Alicia Reyna v. Westrock Com	nony et al				
Ancia Reylla V. Westrock Com	parry, et al.				
CIVIL CASE COVER SHEET	O and law O and Davidson Hard	CASE NUMBER:			
X Unlimited Limited	Complex Case Designation	19CV004600			
(Amount (Amount	Counter Joinder				
demanded demanded is	Filed with first appearance by defend	dant JUDGE:			
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	DEPT:			
	ow must be completed (see instructions	on page 2).			
1. Check one box below for the case type tha	<u> </u>				
Auto Tort	Contract	Provisionally Complex Civil Litigation			
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3.400-3.403)			
Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)			
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)			
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)			
Asbestos (04)	Other contract (37)	Securities litigation (28)			
Product liability (24)	Real Property	Environmental/Toxic tort (30)			
Medical malpractice (45)	Eminent domain/Inverse	Insurance coverage claims arising from the			
Other PI/PD/WD (23)	condemnation (14)	above listed provisionally complex case			
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	types (41)			
Business tort/unfair business practice (07)	Other real property (26)	Enforcement of Judgment			
Civil rights (08)	Unlawful Detainer	Enforcement of judgment (20)			
Defamation (13)	Commercial (31)	Miscellaneous Civil Complaint			
Fraud (16)	Residential (32)	RICO (27)			
Intellectual property (19)	Drugs (38)	Other complaint (not specified above) (42)			
Professional negligence (25)	Judicial Review	Miscellaneous Civil Petition			
Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	Partnership and corporate governance (21)			
Employment	Petition re: arbitration award (11)	Other petition (not specified above) (43)			
Wrongful termination (36)	Writ of mandate (02)	Other permon (not specified above) (40)			
X Other employment (15)	Other judicial review (39)				
2. This case X is is not is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the					
factors requiring exceptional judicial management:					
a. Large number of separately repre-	sented parties d. X Large number	r of witnesses			
b. Extensive motion practice raising	difficult or novel e. Coordination	with related actions pending in one or more courts			
issues that will be time-consuming		ies, states, or countries, or in a federal court			
c. X Substantial amount of documenta		ostjudgment judicial supervision			
		· · · · · · · · · · · · · · · · · · ·			
3. Remedies sought (check all that apply): a.		declaratory or injunctive relief cpunitive			
4. Number of causes of action (specify): Ten	(10)				
	s action suit.				
6. If there are any known related cases, file a	nd serve a notice of related case. (You r	may use form CM-015.)			
Date: November 14, 2019	- 1/19				
Matthew Matern	• // (A)	X////X			
(TYPE OR PRINT NAME)		IGNATURE OF PARTY OR ATTORNEY FOR PARTY)			
Plaintiff must file this cover sheet with the f	NOTICE	a (except small claims cases or cases filed			
		es of Court, rule 3.220.) Failure to file may result			
in sanctions.	, ,				
File this cover sheet in addition to any cover sheet required by local court rule.					
If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.					
 other parties to the action or proceeding. Unless this is a collections case under rule 	3.740 or a complex case, this cover she	et will be used for statistical purposes only			
		Page 1 of 2			
Form Adopted for Mandatory Use Judicial Council of California	CIVIL CASE COVER SHEET	Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740; Cal. Standards of Judicial Administration, std. 3.10			
CM-010 [Rev. July 1, 2007]		www.courtinto.ca.gov Westlaw Doc & Form Builder			
		Mestraw NOC or Forth Buildies.			

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3,740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3,400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort

Asbestos (04)

Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death

Product Liability (not asbestos or toxic/environmental) (24)

Medical Malpractice (45)

Medical Malpractice

Physicians & Surgeons Other Professional Health Care

Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip

and fall)

Intentional Bodily Injury/PD/WD

(e.g., assault, vandalism)
Intentional Infliction of

Emotional Distress

Negligent Infliction of

Emotional Distress Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination,

false arrest) (not civil harassment) (08)

Defamation (e.g., slander, libel)

(13)

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

CASE TYPES AND EXAMPLES

Contract

Breach of Contract/Warranty (06) Breach of Rental/Lease

Contract (not unlawful detainer

or wrongful eviction) Contract/Warranty Breach-Seller

Plaintiff (not fraud or negligence)

Negligent Breach of Contract/

Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open

book accounts) (09)

Collection Case-Seller Plaintiff Other Promissory Note/Collections

Case Insurance Coverage (not provisionally

complex) (18)

Auto Subrogation

Other Coverage

Other Contract (37)

Contractual Fraud

Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent

domain, landlord/tenant, or

foreclosure)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus

Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39)
Review of Health Officer Order Notice of Appeal-Labor

Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03) Construction Defect (10)

Claims Involving Mass Tort (40)

Securities Litigation (28) Environmental/Toxic Tort (30)

Insurance Coverage Claims

(arising from provisionally complex

case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20) Abstract of Judgment (Out of

County)

Confession of Judgment (non-

domestic relations)

Sister State Judgment

Administrative Agency Award

(not unpaid taxes)

Petition/Certification of Entry of

Judgment on Unpaid Taxes

Other Enforcement of Judgment

Case

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified above) (42)

Declaratory Relief Only Injunctive Relief Only (non-

harassment)

Mechanics Lien

Other Commercial Complaint

Case (non-tort/non-complex)

Other Civil Complaint

(non-tort/non-complex)

Miscellaneous Civil Petition Partnership and Corporate

Governance (21)

Other Petition (not specified

above) (43)

Civil Harassment

Workplace Violence

Elder/Dependent Adult

Abuse

Election Contest

Petition for Name Change

Petition for Relief From Late

Claim

Other Civil Petition

SUPERIOR COURT OF MONTEREY COUNTY Monterey Branch, 1200 Aguajito Road, Monterey, CA 93940			
Alicia Reyna	CASE NUMBER 19CV004600		
vs. WestRock Company, et al. Case Management Conference			

NOTICE OF ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

Your case designated COMPLEX or CLASS ACTION is assigned for all purposes to Honorable Lydia M. Villarreal Dept. 13

This notice and Alternative Dispute Resolution (ADR) information packet (CI-127)* must be served together with the Summons and Complaint pursuant to California Rule of Court 3.221. Parties are required to follow the case management rules as outlined in California Rule of Court 3.722 and Chapter 6 of the Local Rules of Court found on the court website at www.montereycourt.ca.gov . A joint case management statement shall be filed prior to the conference as outlined in California Rule of Court 3.725.

Date: March 17, 2020 Time: 9:00 AM

Location: 1200 Aguajito Road, Monterey, CA 93940

Pursuant to statutes of the State of California, it is the responsibility of the court to establish procedures for the timely and effective disposition of civil cases.

The court is charged with the responsibility of ensuring all parties a fair and timely resolution of their disputes, and the court is in the best position to establish neutral rules and policies without adversely affecting all parties' right to a fair trial. Effective management of the judicial system will build continuing respect by the community of government, minimize the costs to the parties and the public, and maximize the probability that cases will be timely resolved.

The goals of the Monterey County civil case and trial management system are:

- 1. To provide an effective and fair procedure for the timely disposition of civil cases;
- 2. To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions; and
- 3. To establish reasonable rules and policies to require that cases reporting "ready" for trial may be tried without unnecessary delays or interruptions.

Court proceedings are in English. If you or a witness in your case needs an interpreter, please complete Judicial Council form INT—300. You must file INT-300 at the first floor clerks counter (or by e-file) 15* business days prior to your hearing.

Los procedimientos judiciales son en inglés. Si usted o un testigo en su caso necesita un intérprete, complete el formulario INT-300 del Consejo Judicial. **Debe presentar el INT-300 con los empleados legales de la oficina del primer piso (o mediante archivo electrónico) 15* días hábiles antes de su audiencia.**

^{*}The ADR information packet (CI-127) can be found at FORMS on the court's website at www.monterey.courts.ca.gov.

1 2 3 4 5 6 7 8	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/27/2019 11:42 AM By: Veronica Green, Deputy
10	-	E STATE OF CALIFORNIA
11	FOR THE COUNT	Y OF MONTEREY
12		
13	ALICIA REYNA, individually, and on behalf of others similarly situated	CASE NO.: 19CV004600
14	Plaintiff,	[Assigned for all purposes to the Hon. Lydia M. Villarreal]
15	VS.	CLASS ACTION:
16	WESTROCK COMPANY, a Delaware	AFFIDAVIT OF PREJUDICE - PEREMPTORY CHALLENGE TO
17	corporation; WESTROCK SHARED SERVICES, LLC, a limited liability company;	JUDICIAL OFFICER [C.C.P. § 170.6]
18	WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER	
19	PACKAGING GROUP, LLC, a limited liability company; WESTROCK CONVERTING, LLC,	Complaint filed: November 14, 2019
20 21	a limited liability company; WESTROCK MWV, LLC, a limited liability company;	
21	WESTROCK HOLDINGS, INC., a limited liability company; WESTROCK CALIFORNIA	
23	LLC, a limited liability company; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC,	
24	a limited liability company; and DOES 1 through 100, inclusive,	
25	Defendants	
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MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

TO THE HONORABLE, THE SUPERVISING JUDGE OF THE ABOVE ENTITLED COURT:

Plaintiff Alicia Reyna, in the above-entitled matter, hereby moves that this action, which has been assigned to the Honorable Lydia M. Villarreal, Judge of the above-entitled Court, be reassigned from that judge, and that no matters hereinafter arising in this cause be heard by or assigned to the Honorable Lydia M. Villarreal on the ground that said judge is prejudiced against the plaintiff, her attorney and plaintiff's interests, in this action.

AFFIDAVIT OF PREJUDICE - PEREMPTORY CHALLENGE TO JUDICIAL OFFICER

- I, Tagore Subramaniam, declare as follows:
- 1. That I am an attorney for plaintiff Alicia Reyna in the within action.
- 2. That the Honorable Lydia M. Villarreal, the judicial officer before whom the aforesaid action is assigned, is prejudiced against plaintiff Alicia Reyna, the interest of plaintiff, and her attorneys, so that declarant and plaintiff cannot and believe that he and plaintiff cannot have a fair and impartial trial or hearing before the judicial officer.

I declare under penalty of perjury according to the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 27, 2019 at Manhattan Beach, California.

Tagore O. Subramaniam
Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY		
Alicia Reyna, Plaintiff vs. WestRock Company; WestRock Services, LLC;	Clerk: Date:	Elise Mouisset 12/17/2019
WestRock Consumer Packaging Group, LLC; WestRock MWV, LLC; WestRock California LLC; WestRock California, Inc.; WestRock CP, LLC; WestRock Packaging Systems, LLC,		
Defendant		
	Case No.	19CV004600
Out of Court	Entries by C	lerk

Affidavit of Prejudice pursuant to 170.6 CCP against Judge Lydia M. Villareal by Plaintiff's Attorney Tagore O. Subramaniam, submitted to Judge Susan J. Matcham for reassignment.

Case is assigned to Judge Marla O. Anderson in Monterey courtroom 14.

Plaintiff's Attorney is to notice all parties accordingly.

EXHIBIT 4

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: WESTROCK COMPANY, a corporation; (AVISO AL DEMANDADO): WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; Additional Parties Attachment form is attached.

YOU ARE BEING SUED BY PLAINTIFF: ALICIA REYNA, individually, and on (LO ESTÁ DEMANDANDO EL DEMANDANTE): behalf of others similarly situated

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

pagar or gravamon ao la cons ar	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					
The name and address of the (El nombre y dirección de la co Superior Court of California,	orte es):		CASE NU (Número	JMBER: del Caso):	19CV004600	
1200 Aguajito Rd. Monterey, California 93940						
The name, address, and telep	none number of plaintiffs attorney, o úmero de teléfono del abogado del d					
Matern Law Group, PC						
1230 Rosecrans Avenue, Suite	200, Manhattan Beach, CA 90266				(310) 531-190)0
DATE: 11/14/2019 (Fecha)		Clerk, by (Secretario)	/s/ Jacquelin	ne Gilk	pert	, Deputy <i>(Adjunto)</i>
	mmons, use Proof of Service of Sum ta citatión use el formulario Proof of NOTICE TO THE PERSON SERV 1 as an individual defendal 2 as the person sued unde	Service of Sur /ED: You are sont. or the fictitious	mmons, (POS-01 served name of (specify):		
ons control months	under: CCP 416.10 (complete CCP 416.40 (asset): W	rporation) funct corporati sociation or pa	ion)	CCP 4	ry company 16.60 (minor) 16.70 (conservatee 16.90 (authorized p	

___ by personal delivery on (date):

Page 1 of 1

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 84 of 189

	SUM-200(A		
SHORT TITLE:	CASE NUMBER:		
_	19CV004600		
INSTRUCTIONS FOR USE			
 This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons. If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached." 			
List additional parties (Check only one box. Use a separate page for each type of party.):			
Plaintiff X Defendant Cross-Complainant Cross-Defe	ndant		
WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WE WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYS and DOES 1 through 100, inclusive,			

Page 1 of 1

1 2 3 4 5	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy
6 7	Telephone: (310) 531-1900 Facsimile: (310) 531-1901	
8 9	Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated	
10	SUPERIOR COURT OF TH	E STATE OF CALIFORNIA
11	FOR THE COUNT	Y OF MONTEREY
12	ALICIA REYNA, individually, and on behalf of others similarly situated	CASE NO.: 19CV004600
13	·	COMPLAINT
14	Plaintiff,	CLASS ACTION:
15 16 17 18 19 20 21 22 23 24 25 26 27	WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive, Defendants	 Failure to Provide Required Meal Periods Failure to Provide Required Rest Periods Failure to Pay Overtime Wages Failure to Pay Minimum Wages Failure to Pay All Wages Due to Discharged and Quitting Employees Failure to Maintain Required Records Failure to Furnish Accurate Itemized Wage Statements Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of Duties Unfair and Unlawful Business Practices REPRESENTATIVE ACTION: Penalties under the Labor Code Private Attorneys General Act, as Representative Action DEMAND FOR JURY TRIAL
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MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

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ATERN LAW GROUP 1230 ROSECRANS VENUE, STE 200 MANHATTAN

BEACH, CA 90266

INTRODUCTION

PLAINTIFF ALICIA REYNA ("PLAINTIFF"), an individual, demanding a jury trial, on behalf of herself and other persons similarly situated, hereby alleges as follows:

JURISDICTION AND VENUE

- 1. The Superior Court of the State of California has jurisdiction in this matter because PLAINTIFF is a resident of the State of California, and Defendants WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company and DOES 1 through 100, inclusive (collectively hereinafter, "DEFENDANTS"), are qualified to do business in California and regularly conduct business in California. Further, no federal question is at issue because the claims are based solely on California law.
- 2. Venue is proper in this judicial district and the County of Monterey, California because PLAINTIFF, and other persons similarly situated, performed work for DEFENDANTS in the County of Monterey, DEFENDANTS maintain offices and facilities and transact business in the County of Monterey, and because DEFENDANTS' illegal payroll policies and practices which are the subject of this action were applied, at least in part, to PLAINTIFF, and other persons similarly situated, in the County of Monterey.

PLAINTIFF

- 3. PLAINTIFF is a female resident of the State of California and a former employee of DEFENDANTS.
- 4. PLAINTIFF, on behalf of herself and other similarly situated current and former non-exempt employees of DEFENDANTS in the State of California at any time during the four years preceding the filing of this action, and continuing while this action is pending, brings this action to recover, among other things, wages and penalties from unpaid wages earned and due, including but not limited to unpaid minimum wages, unpaid and illegally calculated overtime

compensation, illegal meal and rest period policies, failure to pay all wages due to discharged and quitting employees, failure to indemnify employees for necessary expenditures and/or losses incurred in discharging their duties, failure to provide accurate itemized wage statements, failure to maintain required records, and interest, attorneys' fees, costs, and expenses.

5. PLAINTIFF brings this action on behalf of herself and the following similarly situated class of individuals ("CLASS MEMBERS"): all current and former non-exempt employees of DEFENDANTS in the State of California at any time within the period beginning four (4) years prior to the filing of this action and ending at the time this action settles or proceeds to final judgment (the "CLASS PERIOD"). PLAINTIFF reserves the right to name additional class representatives.

DEFENDANTS

- 6. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK COMPANY is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK COMPANY maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 7. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK SERVICES, LLC is, and at all times relevant herein was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, upon information and belief, Defendant WESTROCK SERVICES, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 8. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll

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practices or policies in, the County of Monterey, State of California.

- 9. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK MWV, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK MWV, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 10. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CALIFORNIA, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CALIFORNIA, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 11. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 12. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 13. The true names and capacities of DOES 1 through 50, inclusive, are unknown to PLAINTIFF at this time, and PLAINTIFF therefore sues such DOE Defendants under fictitious names. PLAINTIFF is informed and believes, and thereon alleges, that each Defendant

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designated as a DOE is in some manner highly responsible for the occurrences alleged herein, and that PLAINTIFF and CLASS MEMBERS' injuries and damages, as alleged herein, were proximately caused by the conduct of such DOE Defendants. PLAINTIFF will seek leave of the court to amend this Complaint to allege their true names and capacities of such DOE Defendants when ascertained.

- 14. At all relevant times herein, DEFENDANTS were the joint employers of PLAINTIFF and CLASS MEMBERS. PLAINTIFF is informed and believes, and thereon allege, that at all times material to this complaint DEFENDANTS were the alter egos, divisions, affiliates, integrated enterprises, joint employers, subsidiaries, parents, principals, related entities, co-conspirators, authorized agents, partners, joint venturers, and/or guarantors, actual or ostensible, of each other. Each Defendant was completely dominated by his, her or its co-Defendant, and each was the alter ego of the other.
- 15. At all relevant times herein, PLAINTIFF and CLASS MEMBERS were employed by DEFENDANTS under employment agreements that were partly written, partly oral, and partly implied. In perpetrating the acts and omissions alleged herein, DEFENDANTS, and each of them, acted pursuant to, and in furtherance of, their policies and practices of not paying PLAINTIFF and CLASS MEMBERS all wages earned and due, through methods and schemes which include, but are not limited to, failing to pay overtime premiums; failing to provide rest and meal periods; failing to properly maintain records; failing to provide accurate itemized statements for each pay period; failing to properly compensate PLAINTIFF and CLASS MEMBERS for necessary expenditures; and requiring, permitting or suffering the employees to work off the clock, in violation of the California Labor Code and the applicable Welfare Commission ("IWC") Orders.
- 16. PLAINTIFF is informed and believes, and thereon allege, that each and every one of the acts and omissions alleged herein were performed by, and/or attributable to, all DEFENDANTS, each acting as agents and/or employees, and/or under the direction and control of, each of the other DEFENDANTS, and that said acts and failures to act were within the course and scope of said agency, employment and/or direction and control.

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17. As a direct and proximate result of the unlawful actions of DEFENDANTS, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, from loss of earnings in amounts as yet unascertained, but subject to proof at trial, and within the jurisdiction of this Court.

CLASS ACTION DESIGNATION

- 18. This action is appropriately suited for a Class Action because:
- a. The potential class is a significant number. Joinder of all current and former employees individually would be impractical.
- b. This action involves common questions of law and fact to the potential class because the action focuses on DEFENDANTS' systematic course of illegal payroll practices and policies, which was applied to all non-exempt employees in violation of the Labor Code, the applicable IWC wage order, and the Business and Professions Code which prohibits unfair business practices arising from such violations.
- c. The claims of PLAINTIFF are typical of the class because DEFENDANTS subjected all non-exempt employees to identical violations of the Labor Code, the applicable IWC wage order, and the Business and Professions Code.
- d. PLAINTIFF is able to fairly and adequately protect the interests of all members of the class because it is in her best interests to prosecute the claims alleged herein to obtain full compensation due to them for all services rendered and hours worked.

FIRST CAUSE OF ACTION

Failure to Provide Required Meal Periods

[Cal. Labor Code §§ 226.7, 510, 512, 1194, 1197; IWC Wage Order No. 1-2001, § 11] (Against all DEFENDANTS)

- 15. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 16. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS required, permitted or otherwise suffered PLAINTIFF and CLASS MEMBERS to take less than

the 30-minute meal period, or to work through them, and have failed to otherwise provide the required meal periods to PLAINTIFF and CLASS MEMBERS pursuant to California Labor Code § 226.7, 512 and IWC Order No. 1-2001, § 11.

- 17. DEFENDANTS further violated California Labor Code §§ 226.7 and IWC Wage Order No. 1-2001, § 11 by failing to compensate PLAINTIFF and CLASS MEMBERS who were not provided with a meal period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a meal period was not provided.
- 18. DEFENDANTS further violated California Labor Code §§ 226.7, 510, 1194, 1197, and IWC Wage Order No. 1-2001 by failing to compensate PLAINTIFF and CLASS MEMBERS for all hours worked during their meal periods.
- 19. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

SECOND CAUSE OF ACTION

Failure to Provide Required Rest Periods

[Cal. Labor Code §§ 226.7, 512; IWC Wage Order No. 1-2001, § 12] (Against all DEFENDANTS)

- 20. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 21. At all times relevant herein, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS failed to provide rest periods to PLAINTIFF and CLASS MEMBERS as required under California Labor Code §§ 226.7 and 512, and IWC Wage Order No. 1-2001, § 12.
- 22. DEFENDANTS further violated California Labor Code § 226.7 and IWC Wage Order No. 1-2001, § 12 by failing to pay PLAINTIFF and CLASS MEMBERS who were not provided with a rest period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a rest period was not

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23. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

THIRD CAUSE OF ACTION

Failure to Pay Overtime Wages

[Cal. Labor Code §§ 510, 1194, 1198; IWC Wage Order No. 1-2001, § 3] (Against all DEFENDANTS)

- 24. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 25. Pursuant to California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3, DEFENDANTS are required to compensate PLAINTIFF and CLASS MEMBERS for all overtime, which is calculated at one and one-half (1 ½) times the regular rate of pay for all hours worked in excess of eight (8) hours per day and/or forty (40) hours per week, and for the first eight (8) hours on the seventh consecutive workday, with double time for all hours worked in excess of twelve (12) hours in any workday and for all hours worked in excess of eight (8) hours on the seventh consecutive day of work in any workweek.
- 26. PLAINTIFF and CLASS MEMBERS are current and former non-exempt employees entitled to the protections of California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001. During the CLASS PERIOD, DEFENDANTS failed to compensate PLAINTIFF and CLASS MEMBERS for all overtime hours worked as required under the foregoing provisions of the California Labor Code and IWC Wage Order by, among other things: failing to pay overtime at one and one-half (1 ½) or double the regular rate of pay as provided by California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate

itemized wage statements to PLAINTIFF for each pay period; and other methods to be discovered.

- 27. In violation of California law, DEFENDANTS have knowingly and willfully refused to perform their obligations to compensate PLAINTIFF and CLASS MEMBERS for all wages earned and all hours worked. As a proximate result, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, substantial losses related to the use and enjoyment of such wages, lost interest on such wages, and expenses and attorneys' fees in seeking to compel DEFENDANTS to fully perform their obligations under state law, all to their respective damages in amounts according to proof at time of trial, and within the jurisdiction of this Court.
- DEFENDANTS' conduct described herein violates California Labor Code §§ 510, 1194, 1198 and IWC Wage Order No. 1-2001, § 3. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the California Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FOURTH CAUSE OF ACTION

Failure to Pay Minimum Wages

[Cal Labor Code §§ 1194, 1197; IWC Wage Order No. 1-2001, § 4]

(Against all DEFENDANTS)

- 29. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 30. Pursuant to California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4, payment to an employee of less than the applicable minimum wage for all hours worked in a payroll period is unlawful.
- 31. During the CLASS PERIOD, DEFENDANTS failed to pay PLAINTIFF and CLASS MEMBERS minimum wages for all hours worked by, among other things: requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest

breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate itemized wage statements to PLAINTIFF and CLASS MEMBERS for each pay period; and other methods to be discovered.

32. DEFENDANTS' conduct described herein violates California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FIFTH CAUSE OF ACTION

Failure to Pay All Wages Due to Discharged and Quitting Employees [Cal. Labor Code §§ 201, 202, 203] (Against all DEFENDANTS)

- 33. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 34. Pursuant to California Labor Code § 201, 202, and 203, DEFENDANTS are required to pay all earned and unpaid wages to an employee who is discharged. California Labor Code § 201 mandates that if an employer discharges an employee, the employee's wages accrued and unpaid at the time of discharge are due and payable immediately.
- 35. Furthermore, pursuant to California Labor Code § 202, DEFENDANTS are required to pay all accrued wages due to an employee no later than 72 hours after the employee quits his or her employment, unless the employee provided 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.
- 36. California Labor Code § 203 provides that if an employer willfully fails to pay, in accordance with California Labor Code §§ 201 and 202, any wages of an employee who is discharged or who quits, the employer is liable for waiting time penalties in the form of continued

compensation to the employee at the same rate for up to 30 workdays.

- 37. During the CLASS PERIOD, DEFENDANTS have willfully failed to pay accrued wages and other compensation to PLAINTIFF and CLASS MEMBERS in accordance with California Labor Code §§ 201 and 202.
- 38. As a result, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including the waiting time penalties provided in California Labor Code § 203, together with interest thereon, as well as other available remedies.
- 39. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been deprived of compensation in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court, and are entitled to recovery of such amounts, plus interest thereon, and attorneys' fees and costs, pursuant to California Labor Code §§ 1194 and 2699.

SIXTH CAUSE OF ACTION

Failure to Maintain Required Records

[Cal. Labor Code §§ 226; IWC Wage Order No. 1-2001, § 7]

(Against all DEFENDANTS)

- 40. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 41. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive PLAINTIFF and CLASS MEMBERS of all wages earned and due, DEFENDANTS knowingly and intentionally failed to maintain records as required under California Labor Code §§ 226, 1174, and IWC Wage Order No. 1-2001, § 7, including but not limited to the following records: total daily hours worked by each employee; applicable rates of pay; all deductions; meal periods; time records showing when each employee begins and ends each work period; and accurate itemized statements.
- 42. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and are entitled to all wages earned and due, plus interest thereon. Additionally,

PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

SEVENTH CAUSE OF ACTION

Failure to Furnish Accurate Itemized Wage Statements [Cal. Labor Code §§ 226, 1174; IWC Wage Order No. 1-2001, § 7] (Against all DEFENDANTS)

- 43. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 44. During the CLASS PERIOD, DEFENDANTS routinely failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in writing showing each employee's gross wages earned, total hours worked, all deductions made, net wages earned, the name and address of the legal entity or entities employing PLAINTIFF and CLASS MEMBERS, and all applicable hourly rates in effect during each pay period and the corresponding number of hours worked at each hourly rate, in violation of California Labor Code § 226 and IWC Wage Order No. 1-2001, § 7.
- 45. During the CLASS PERIOD, DEFENDANTS knowingly and intentionally failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in accordance with California Labor Code § 226(a).
- 46. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, plus interest thereon. Additionally, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

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EIGHTH CAUSE OF ACTION 1 Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of 2 **Duties** 3 [Cal. Labor Code § 2802] 4 (Against all DEFENDANTS) 5 47. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the 6 allegations in the foregoing paragraphs. 7 48. California Labor Code § 2802(a) requires an employer to indemnify an employee 8 for all necessary expenditures or losses incurred by the employee in direct consequence of the 9 discharge of his or her duties, or of his or her obedience to the directions of the employer. 10 49. During the CLASS PERIOD, DEFENDANTS knowingly and willfully failed to 11 indemnify PLAINTIFF and CLASS MEMBERS for all business expenses and/or losses incurred 12 in direct consequence of the discharge of their duties while working under the direction of 13 DEFENDANTS, including but not limited to expenses for tools, steel toed boots, uniform-related 14 expenses, usage of personal cell phones, and other employment-related expenses, in violation of 15 California Labor Code § 2802. 16 50. As a proximate result of DEFENDANTS' unlawful actions and omissions, 17 PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at 18 trial, and seek reimbursement of all necessary expenditures, plus interest thereon pursuant to 19 California Labor Code § 2802(b). Additionally, PLAINTIFF and CLASS MEMBERS are 20 entitled to all available statutory penalties and an award of costs, expenses, and reasonable 21 attorneys' fees, including those provided in California Labor Code § 2802(c), as well as other 22 available remedies. 23 /// 24 /// 25 /// 26 /// 27 /// 28

NINTH CAUSE OF ACTION

Unfair and Unlawful Business Practices

[Cal. Bus. & Prof. Code §§ 17200 et. seq.]

(Against all DEFENDANTS)

- 51. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 52. Each and every one of DEFENDANTS' acts and omissions in violation of the California Labor Code and/or the applicable IWC Wage Order as alleged herein, including but not limited to DEFENDANTS' failure and refusal to provide required meal periods, DEFENDANTS' failure and refusal to provide required rest periods, DEFENDANTS' failure and refusal to pay overtime compensation, DEFENDANTS' failure and refusal to pay minimum wages, DEFENDANTS' failure and refusal to pay all wages due to discharged or quitting employees, DEFENDANTS' failure and refusal to furnish accurate itemized wage statements; DEFENDANTS' failure and refusal to maintain required records, DEFENDANTS' failure and refusal to indemnify PLAINTIFF and CLASS MEMBERS for necessary expenditures and/or losses incurring in discharging their duties, constitutes an unfair and unlawful business practice under California Business and Professions Code § 17200 et seq.
- 53. DEFENDANTS' violations of California wage and hour laws constitute a business practice because DEFENDANTS' aforementioned acts and omissions were done repeatedly over a significant period of time, and in a systematic manner, to the detriment of PLAINTIFF and CLASS MEMBERS.
- 54. DEFENDANTS have avoided payment of wages, overtime wages, meal periods, rest periods, and other benefits as required by the California Labor Code, the California Code of Regulations, and the applicable IWC Wage Order. Further, DEFENDANTS have failed to record, report, and pay the correct sums of assessment to the state authorities under the California Labor Code and other applicable regulations.
- 55. As a result of DEFENDANTS' unfair and unlawful business practices, DEFENDANTS have reaped unfair and illegal profits during the CLASS PERIOD at the expense

BEACH, CA 90266

of PLAINTIFF, CLASS MEMBERS, and members of the public. DEFENDANTS should be made to disgorge their ill-gotten gains and to restore them to PLAINTIFF and CLASS MEMBERS.

56. DEFENDANTS' unfair and unlawful business practices entitle PLAINTIFF and CLASS MEMBERS to seek preliminary and permanent injunctive relief, including but not limited to orders that DEFENDANTS account for, disgorge, and restore to PLAINTIFF and CLASS MEMBERS the wages and other compensation unlawfully withheld from them. PLAINTIFF and CLASS MEMBERS are entitled to restitution of all monies to be disgorged from DEFENDANTS in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court.

TENTH CAUSE OF ACTION

Representative Action for Civil Penalties

[Cal. Labor Code §§ 2698–2699.5]

(Against All DEFENDANTS)

- 57. PLAINTIFF incorporates herein by specific reference as though fully set forth the allegations in all preceding paragraphs, with exception of the allegations in paragraph 21 and the subparagraphs thereto.
- 58. PLAINTIFF is an "aggrieved employee" within the meaning of California Labor Code § 2699(c), and a proper representative to bring a civil action on behalf of herself and other current and former employees of DEFENDANTS pursuant to the procedures specified in California Labor Code § 2699.3, because PLAINTIFF and CLASS MEMBERS were employed by DEFENDANTS and the alleged violations of the California Labor Code were committed against PLAINTIFF and CLASS MEMBERS.
- 59. Pursuant to the California Private Attorneys General Act of 2004 ("PAGA"), Labor Code §§ 2698–2699.5, PLAINTIFF and CLASS MEMBBERS seeks to recover civil penalties, including but not limited to penalties under California Labor Code §§ 2699, 210, 226.3, 558, 1174.5, 1197.1, and IWC Wage Order No. 1-2001, § 20, from DEFENDANTS in a representative action for the violations set forth above, including but not limited to violations of

California Labor Code §§ 201, 202, 203, 204, 226, 226.7, 510, 512, 1174, 1194, 1197, 1198, and 2802. PLAINTIFF and CLASS MEMBERS are also entitled to an award of reasonable attorneys' fees and costs pursuant to California Labor Code § 2699(g)(1).

- 60. Pursuant to California Labor Code §§ 2699.3, PLAINTIFF gave written notice on August 29, 2019 by online filing to the California Labor and Workforce Development Agency ("LWDA") and by certified mail to DEFENDANTS of the specific provisions of the California Labor Code and IWC Wage Orders alleged to have been violated, including the facts and theories to support the alleged violations. More than sixty-five (65) days have passed and the LWDA has not provided notice to PLAINTIFF that it intends to investigate the alleged violations.
- 61. Therefore, PLAINTIFF has complied with all of the requirements set forth in California Labor Code § 2699.3 to commence a representative action under PAGA.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF, individually and on behalf of all other persons similarly situated, respectfully prays for relief against DEFENDANTS and DOES 1 through 50, inclusive, and each of them, as follows:

- 1. For compensatory damages in an amount to be ascertained at trial;
- 2. For restitution of all monies due to PLAINTIFF and CLASS MEMBERS, as well as disgorged profits from DEFENDANTS' unfair and unlawful business practices;
- 3. For meal and rest period compensation pursuant to California Labor Code § 226.7 and IWC Wage Order No. 1-2001;
 - 4. For liquidated damages pursuant to California Labor Code §§ 1194.2 and 1197.1;
- 5. For preliminary and permanent injunctive relief enjoining DEFENDANTS from violating the relevant provisions of the California Labor Code and the IWC Wage Orders, and from engaging in the unlawful business practices complained of herein;
 - 6. For waiting time penalties pursuant to California Labor Code § 203;
- 7. For statutory and civil penalties according to proof, including but not limited to all penalties authorized by the California Labor Code §§ 226(e) and §§ 2698–2699.5;

-16-

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BEACH, CA 90266

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 102 of 189

1	<u>DEMAND FOR JURY TRIAL</u>		
2	PLAINTIFF hereby demands a jury trial with respect to all issues triable of right by jury.		
3	DATED Nassankas 14 2010	D	
4		Respectfully submitted,	
5	Γ	MATERN LAW GROUP, PC	
6	Ву:		
7			
8	N T	Matthew J. Matérn Fagore O. Subramaniam Tulia Z. Wells	
9	J.	fulia Z. Wells Attorneys for Plaintiff	
10	A b	Attorneys for Plaintiff ALICIA REYNA, individually, and on behalf of other persons similarly situated	
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MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

Case 5:20-cv-01666-	BLF Document 1-1 Filed 03/	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Matthew Matern; Tagore Subramaniam; Juli		FOR COURT USE ONLY
Matern Law Group, PC	110110 DDI1. 109190, 200120, 314242	ELECTRONICALLY FILED BY
1230 Rosecrans Avenue, Suite 200, Manhatt	Superior Court of California,	
TELEPHONE NO.: (310) 531-1900	County of Monterey	
ATTORNEY FOR (Name): Plaintiff Alicia Reyna	fax no.:(310) 531-1901	On 11/14/2019 12:00 PM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MO	NTEREY	
STREET ADDRESS: 1200 Aguajito Rd.		By: Jacqueline Gilbert, Deputy
MAILING ADDRESS: 1200 Aguajito Rd.		
CITY AND ZIP CODE: Monterey, 93940		
BRANCH NAME: Monterey Courthouse		
CASE NAME: Alicia Reyna v. Westrock Con	pany, et al.	
CIVIL CASE COVER SHEET X Unlimited Limited	Complex Case Designation	CASE NUMBER: 19CV004600
(Amount (Amount	Counter Joinder	
demanded demanded is	Filed with first appearance by defend	ant JUDGE:
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	DEPT:
Items 1–6 bei	ow must be completed (see instructions o	on page 2).
1. Check one box below for the case type that	t best describes this case:	
Auto Tort		Provisionally Complex Civil Litigation
Auto (22)	Breach of contract/warranty (06)	Cal. Rules of Court, rules 3.400–3.403)
Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)
Asbestos (04)	Other contract (37)	Securities litigation (28)
Product liability (24)	Real Property	Environmental/Toxic tort (30)
Medical malpractice (45)	Eminent domain/Inverse	Insurance coverage claims arising from the
Other PI/PD/WD (23)	condemnation (14)	above listed provisionally complex case types (41)
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	
Business tort/unfair business practice (07	, —	Enforcement of Judgment
Civil rights (08)	Unlawful Detainer	Enforcement of judgment (20)
Defamation (13)		Miscellaneous Civil Complaint
Fraud (16)	Residential (32)	RICO (27)
Intellectual property (19)	Drugs (38)	Other complaint (not specified above) (42)
Professional negligence (25)		Miscellaneous Civil Petition
Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	Partnership and corporate governance (21)
Employment	Petition re: arbitration award (11)	Other petition (not specified above) (43)
Wrongful termination (36)	Writ of mandate (02)	
X Other employment (15)	Other judicial review (39)	
 This case X is is not compactors requiring exceptional judicial management. 		les of Court. If the case is complex, mark the
a. Large number of separately repre	sented parties d. X Large number	of witnesses
b. Extensive motion practice raising	difficult or novel e. 🔲 Coordination v	vith related actions pending in one or more courts
issues that will be time-consuming	to resolve in other counti	es, states, or countries, or in a federal court
c. X Substantial amount of documenta	ry evidence f. Substantial po	stjudgment judicial supervision
3. Remedies sought (check all that apply): a.	X monetary b. X nonmonetary; d	eclaratory or injunctive relief c. punitive
4. Number of causes of action (specify): Ten	•	
	s action suit.	
6. If there are any known related cases, file a	nd serve a notice of related case. (You n	nay use form CM-015.)
Date: November 14, 2019	/ 1/5	
Matthew Matern	• 1/1A)	
(TYPE OR PRINT NAME)		GNATURE OF PARTY OR ATTORNEY FOR PARTY)
Plaintiff must file this cover sheet with the under the Probate Code, Family Code, or Version 1.	NOTICE irst paper filed in the action or proceeding Welfare and Institutions Code). (Cal. Rule	g (except small claims cases or cases filed s of Court, rule 3.220.) Failure to file may result
in sanctions.File this cover sheet in addition to any coveIf this case is complex under rule 3.400 et	er sheet required by local court rule. seq. of the California Rules of Court, you	must serve a copy of this cover sheet on all
other parties to the action or proceeding. • Unless this is a collections case under rule		et will be used for statistical purposes only.
Form Adopted for Mandatory Use Judicial Council of California	CIVIL CASE COVER SHEET	Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740; Cal. Standards of Judicial Administration, std. 3.10
CM-010 [Rev. July 1, 2007]		www.courlinfo.ca.gov Westlaw Doc & Form Builder

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death)

Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death

Product Liability (not asbestos or toxic/environmental) (24)

Medical Malpractice (45)

Medical Malpractice-

Physicians & Surgeons Other Professional Health Care Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip

and fall)

Intentional Bodily Injury/PD/WD

(e.g., assault, vandalism)

Intentional Infliction of

Emotional Distress Negligent Infliction of

Emotional Distress

Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination,

false arrest) (not civil

harassment) (08) Defamation (e.g., slander, libel)

(13)

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (not medical or legal)

Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

CASE TYPES AND EXAMPLES

Contract

Breach of Contract/Warranty (06)

Breach of Rental/Lease

Contract (not unlawful detainer

or wrongful eviction)
Contract/Warranty Breach—Seller

Plaintiff (not fraud or negligence)

Negligent Breach of Contract/

Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open

book accounts) (09)

Collection Case-Seller Plaintiff Other Promissory Note/Collections

Case

Insurance Coverage (not provisionally

complex) (18)

Auto Subrogation Other Coverage

Other Contract (37)

Contractual Fraud

Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent

domain, landlord/tenant, or

foreclosure)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39)

Review of Health Officer Order Notice of Appeal-Labor

Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03) Construction Defect (10)

Claims Involving Mass Tort (40)

Securities Litigation (28)

Environmental/Toxic Tort (30)

Insurance Coverage Claims

(arising from provisionally complex

case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20) Abstract of Judgment (Out of

County)

Confession of Judgment (non-

domestic relations)

Sister State Judgment Administrative Agency Award

(not unpaid taxes)

Petition/Certification of Entry of

Judgment on Unpaid Taxes

Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified

above) (42)

Declaratory Relief Only Injunctive Relief Only (non-

harassment)

Mechanics Lien

Other Commercial Complaint

Case (non-tort/non-complex)

Other Civil Complaint

(non-tort/non-complex)

Miscellaneous Civil Petition Partnership and Corporate

Governance (21)

Other Petition (not specified

above) (43)

Civil Harassment

Workplace Violence Elder/Dependent Adult

Abuse

Election Contest

Petition for Name Change

Petition for Relief From Late

Claim

Other Civil Petition

SUPERIOR COURT OF MONTEREY COUNTY Monterey Branch, 1200 Aguajito Road, Monterey, CA 93940				
Alicia Reyna	CASE NUMBER 19CV004600			
WestRock Company, et al. Case Management Conference				

NOTICE OF ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

Your case designated COMPLEX or CLASS ACTION is assigned for all purposes to Honorable Lydia M. Villarreal Dept. 13

This notice and Alternative Dispute Resolution (ADR) information packet (CI-127)* must be served together with the Summons and Complaint pursuant to California Rule of Court 3.221. Parties are required to follow the case management rules as outlined in California Rule of Court 3.722 and Chapter 6 of the Local Rules of Court found on the court website at www.montereycourt.ca.gov. A joint case management statement shall be filed prior to the conference as outlined in California Rule of Court 3.725.

Date: March 17, 2020 Time:9:00 AM

Location: 1200 Aguajito Road, Monterey, CA 93940

*The ADR information packet (CI-127) can be found at FORMS on the court's website at www.monterey.courts.ca.gov.

Pursuant to statutes of the State of California, it is the responsibility of the court to establish procedures for the timely and effective disposition of civil cases.

The court is charged with the responsibility of ensuring all parties a fair and timely resolution of their disputes, and the court is in the best position to establish neutral rules and policies without adversely affecting all parties' right to a fair trial. Effective management of the judicial system will build continuing respect by the community of government, minimize the costs to the parties and the public, and maximize the probability that cases will be timely resolved.

The goals of the Monterey County civil case and trial management system are:

- 1. To provide an effective and fair procedure for the timely disposition of civil cases;
- 2. To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions; and
- 3. To establish reasonable rules and policies to require that cases reporting "ready" for trial may be tried without unnecessary delays or interruptions.

Court proceedings are in English. If you or a witness in your case needs an interpreter, please complete Judicial Council form INT—300. You must file INT-300 at the first floor clerks counter (or by e-file) 15* business days prior to your hearing.

Los procedimientos judiciales son en inglés. Si usted o un testigo en su caso necesita un intérprete, complete el formulario INT-300 del Consejo Judicial. Debe presentar el INT-300 con los empleados legales de la oficina del primer piso (o mediante archivo electrónico) 15* días hábiles antes de su audiencia.

1 2 3 4 5 6 7 8	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/27/2019 11:42 AM By: Veronica Green, Deputy
10	SUPERIOR COURT OF TH	HE STATE OF CALIFORNIA
1	FOR THE COUNT	TY OF MONTEREY
ι2		
13	ALICIA REYNA, individually, and on behalf	CASE NO.: 19CV004600
۱4	of others similarly situated	[Assigned for all purposes to the Hon. Lydia
۱5	Plaintiff,	M. Villarreal] CLASS ACTION:
16	vs.	AFFIDAVIT OF PREJUDICE -
۱7	WESTROCK COMPANY, a Delaware corporation; WESTROCK SHARED	PEREMPTORY CHALLENGE TO
18	SERVICES, LLC, a limited liability company; WESTROCK SERVICES, LLC, a limited	JUDICIAL OFFICER [C.C.P. § 170.6]
	liability company; WESTROCK CONSUMER	
19	PACKAGING GROUP, LLC, a limited liability company; WESTROCK CONVERTING, LLC,	Complaint filed: November 14, 2019
20	a limited liability company; WESTROCK MWV, LLC, a limited liability company;	
21	WESTROCK HOLDINGS, INC., a limited liability company; WESTROCK CALIFORNIA	
22	LLC, a limited liability company; WESTROCK CP, LLC, a limited liability company;	
23	WÉSTRÓCK PACKAGING SÝSTÉMS, LLC, a limited liability company; and DOES 1	
24	through 100, inclusive,	
25	Defendants	
26		
27		•
28		

MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

TO THE HONORABLE, THE SUPERVISING JUDGE OF THE ABOVE ENTITLED COURT:

Plaintiff Alicia Reyna, in the above-entitled matter, hereby moves that this action, which has been assigned to the Honorable Lydia M. Villarreal, Judge of the above-entitled Court, be reassigned from that judge, and that no matters hereinafter arising in this cause be heard by or assigned to the Honorable Lydia M. Villarreal on the ground that said judge is prejudiced against the plaintiff, her attorney and plaintiff's interests, in this action.

AFFIDAVIT OF PREJUDICE - PEREMPTORY CHALLENGE TO JUDICIAL OFFICER

I, Tagore Subramaniam, declare as follows:

- 1. That I am an attorney for plaintiff Alicia Reyna in the within action.
- 2. That the Honorable Lydia M. Villarreal, the judicial officer before whom the aforesaid action is assigned, is prejudiced against plaintiff Alicia Reyna, the interest of plaintiff, and her attorneys, so that declarant and plaintiff cannot and believe that he and plaintiff cannot have a fair and impartial trial or hearing before the judicial officer.

I declare under penalty of perjury according to the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 27, 2019 at Manhattan Beach, California.

Tagore O. Subramaniam
Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY		
Alicia Reyna,		
Vs. WestRock Company; WestRock Services, LLC; WestRock Consumer Packaging Group, LLC; WestRock MWV, LLC; WestRock California LLC; WestRock California, Inc.; WestRock CP, LLC; WestRock Packaging Systems, LLC, Defendant	Clerk: Date:	Elise Mouisset 12/17/2019
Dolendant	Case No.	19CV004600
Out of Court Entries by Clerk		

Affidavit of Prejudice pursuant to 170.6 CCP against Judge Lydia M. Villareal by Plaintiff's Attorney Tagore O. Subramaniam, submitted to Judge Susan J. Matcham for reassignment.

Case is assigned to Judge Maria O. Anderson in Monterey courtroom 14.

Plaintiff's Attorney is to notice all parties accordingly.

EXHIBIT 5

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: WESTROCK COMPANY, a corporation; (AVISO AL DEMANDADO): WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; Additional Parties Attachment form is attached.

YOU ARE BEING SUED BY PLAINTIFF: ALICIA REYNA, individually, and on (LO ESTÁ DEMANDANDO EL DEMANDANTE): behalf of others similarly situated

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. [AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

	0 ó más de valor recibida mediante un acuerdo o una concesión les de que la corte pueda desechar el caso.	de arbitraje en un caso de dereci	ho civil. Tiene que
The name and address of the c (El nombre y dirección de la co. Superior Court of California, C	rte es):	CASE NUMBER: (Número del Caso): 19CV004	1600
1200 Aguajito Rd.			
	one number of plaintiffs attorney, or plaintiff without an att mero de teléfono del abogado del demandante, o del dem		
Matern Law Group, PC			
1230 Rosecrans Avenue, Suite	200, Manhattan Beach, CA 90266	` ,	531-1900
DATE: 11/14/2019 (Fecha)	(Secretario)	cqueline Gilbert	, Deputy (Adjunto)
	mons, use Proof of Service of Summons (form POS-010). a citatión use el formulario Proof of Service of Summons, NOTICE TO THE PERSON SERVED: You are served 1 as an individual defendant. 2 as the person sued under the fictitious name of	(POS-010)). (specify):	
OF MONTE	3. XX on behalf of (specify): Westrock California LLC under: CCP 416.10 (corporation) CCP 416.20 (defunct corporation) CCP 416.40 (association or partnership XX other (specify): COL DOLAT COL by personal delivery on (date):	CCP 416.60 (minor CCP 416.70 (consection) CCP 416.90 (author) CODE 1700	r) ervatee) orized person) しいんパナッフ
	4 by personal delivery on (date):	ability compa	M / Page 1 of 1

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 111 of 189

	SUM-200(A
SHORT TITLE:	CASE NUMBER: 19CV004600
-	133 400 4000
INSTRUCTIONS FOR → This form may be used as an attachment to any summons if space doe → If this attachment is used, insert the following statement in the plaintiff of Attachment form is attached."	s not permit the listing of all parties on the summons.
List additional parties (Check only one box. Use a separate page for each	ch type of party.):
Plaintiff X Defendant Cross-Complainant	Cross-Defendant
WESTROCK CALIFORNIA LLC, a limited liability company, formerly westrock CP, LLC, a limited liability company; WESTROCK PACK and DOES 1 through 100, inclusive,	
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1 2 3 4 5 6 7 8 9	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy
10		IE STATE OF CALIFORNIA
11	FOR THE COUNT	TY OF MONTEREY
12	ALICIA REYNA, individually, and on behalf of others similarly situated	CASE NO.: 19CV004600
13	Plaintiff,	COMPLAINT
14	,	CLASS ACTION:
15 116 117 118 119 220 221 222 223 224 225 226	WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive, Defendants	 Failure to Provide Required Meal Periods Failure to Provide Required Rest Periods Failure to Pay Overtime Wages Failure to Pay Minimum Wages Failure to Pay All Wages Due to Discharged and Quitting Employees Failure to Maintain Required Records Failure to Furnish Accurate Itemized Wage Statements Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of Duties Unfair and Unlawful Business Practices REPRESENTATIVE ACTION: Penalties under the Labor Code Private Attorneys General Act, as Representative Action DEMAND FOR JURY TRIAL
28		CLASS ACTION AND REPRESENTATIVE
UP	d .	CLASS ACTION AND KERKESENTATIVE

MATERN LAW GROUF 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266 1

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PLAINTIFF ALICIA REYNA ("PLAINTIFF"), an individual, demanding a jury trial, on behalf of herself and other persons similarly situated, hereby alleges as follows:

JURISDICTION AND VENUE

- 1. The Superior Court of the State of California has jurisdiction in this matter because PLAINTIFF is a resident of the State of California, and Defendants WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company and DOES 1 through 100, inclusive (collectively hereinafter, "DEFENDANTS"), are qualified to do business in California and regularly conduct business in California. Further, no federal question is at issue because the claims are based solely on California law.
- 2. Venue is proper in this judicial district and the County of Monterey, California because PLAINTIFF, and other persons similarly situated, performed work for DEFENDANTS in the County of Monterey, DEFENDANTS maintain offices and facilities and transact business in the County of Monterey, and because DEFENDANTS' illegal payroll policies and practices which are the subject of this action were applied, at least in part, to PLAINTIFF, and other persons similarly situated, in the County of Monterey.

PLAINTIFF

- 3. PLAINTIFF is a female resident of the State of California and a former employee of DEFENDANTS.
- 4. PLAINTIFF, on behalf of herself and other similarly situated current and former non-exempt employees of DEFENDANTS in the State of California at any time during the four years preceding the filing of this action, and continuing while this action is pending, brings this action to recover, among other things, wages and penalties from unpaid wages earned and due, including but not limited to unpaid minimum wages, unpaid and illegally calculated overtime

BEACH, CA 90266

compensation, illegal meal and rest period policies, failure to pay all wages due to discharged and quitting employees, failure to indemnify employees for necessary expenditures and/or losses incurred in discharging their duties, failure to provide accurate itemized wage statements, failure to maintain required records, and interest, attorneys' fees, costs, and expenses.

5. PLAINTIFF brings this action on behalf of herself and the following similarly situated class of individuals ("CLASS MEMBERS"): all current and former non-exempt employees of DEFENDANTS in the State of California at any time within the period beginning four (4) years prior to the filing of this action and ending at the time this action settles or proceeds to final judgment (the "CLASS PERIOD"). PLAINTIFF reserves the right to name additional class representatives.

DEFENDANTS

- 6. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK COMPANY is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK COMPANY maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 7. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK SERVICES, LLC is, and at all times relevant herein was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, upon information and belief, Defendant WESTROCK SERVICES, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 8. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll

practices or policies in, the County of Monterey, State of California.

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9. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK MWV, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK MWV, LLC maintains offices and facilities and conducts business

in, and engages in illegal payroll practices or policies in, the County of Monterey, State of

California.

10. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CALIFORNIA, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CALIFORNIA, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.

- 11. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 12. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- The true names and capacities of DOES 1 through 50, inclusive, are unknown to 13. PLAINTIFF at this time, and PLAINTIFF therefore sues such DOE Defendants under fictitious PLAINTIFF is informed and believes, and thereon alleges, that each Defendant

designated as a DOE is in some manner highly responsible for the occurrences alleged herein, and that PLAINTIFF and CLASS MEMBERS' injuries and damages, as alleged herein, were proximately caused by the conduct of such DOE Defendants. PLAINTIFF will seek leave of the court to amend this Complaint to allege their true names and capacities of such DOE Defendants when ascertained.

- 14. At all relevant times herein, DEFENDANTS were the joint employers of PLAINTIFF and CLASS MEMBERS. PLAINTIFF is informed and believes, and thereon allege, that at all times material to this complaint DEFENDANTS were the alter egos, divisions, affiliates, integrated enterprises, joint employers, subsidiaries, parents, principals, related entities, co-conspirators, authorized agents, partners, joint venturers, and/or guarantors, actual or ostensible, of each other. Each Defendant was completely dominated by his, her or its co-Defendant, and each was the alter ego of the other.
- by DEFENDANTS under employment agreements that were partly written, partly oral, and partly implied. In perpetrating the acts and omissions alleged herein, DEFENDANTS, and each of them, acted pursuant to, and in furtherance of, their policies and practices of not paying PLAINTIFF and CLASS MEMBERS all wages earned and due, through methods and schemes which include, but are not limited to, failing to pay overtime premiums; failing to provide rest and meal periods; failing to properly maintain records; failing to provide accurate itemized statements for each pay period; failing to properly compensate PLAINTIFF and CLASS MEMBERS for necessary expenditures; and requiring, permitting or suffering the employees to work off the clock, in violation of the California Labor Code and the applicable Welfare Commission ("IWC") Orders.
- 16. PLAINTIFF is informed and believes, and thereon allege, that each and every one of the acts and omissions alleged herein were performed by, and/or attributable to, all DEFENDANTS, each acting as agents and/or employees, and/or under the direction and control of, each of the other DEFENDANTS, and that said acts and failures to act were within the course and scope of said agency, employment and/or direction and control.

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17. As a direct and proximate result of the unlawful actions of DEFENDANTS, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, from loss of earnings in amounts as yet unascertained, but subject to proof at trial, and within the jurisdiction of this Court.

CLASS ACTION DESIGNATION

- 18. This action is appropriately suited for a Class Action because:
- a. The potential class is a significant number. Joinder of all current and former employees individually would be impractical.
- b. This action involves common questions of law and fact to the potential class because the action focuses on DEFENDANTS' systematic course of illegal payroll practices and policies, which was applied to all non-exempt employees in violation of the Labor Code, the applicable IWC wage order, and the Business and Professions Code which prohibits unfair business practices arising from such violations.
- c. The claims of PLAINTIFF are typical of the class because DEFENDANTS subjected all non-exempt employees to identical violations of the Labor Code, the applicable IWC wage order, and the Business and Professions Code.
- d. PLAINTIFF is able to fairly and adequately protect the interests of all members of the class because it is in her best interests to prosecute the claims alleged herein to obtain full compensation due to them for all services rendered and hours worked.

FIRST CAUSE OF ACTION

Failure to Provide Required Meal Periods

[Cal. Labor Code §§ 226.7, 510, 512, 1194, 1197; IWC Wage Order No. 1-2001, § 11] (Against all DEFENDANTS)

- 15. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 16. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS required, permitted or otherwise suffered PLAINTIFF and CLASS MEMBERS to take less than

the 30-minute meal period, or to work through them, and have failed to otherwise provide the required meal periods to PLAINTIFF and CLASS MEMBERS pursuant to California Labor Code § 226.7, 512 and IWC Order No. 1-2001, § 11.

- 17. DEFENDANTS further violated California Labor Code §§ 226.7 and IWC Wage Order No. 1-2001, § 11 by failing to compensate PLAINTIFF and CLASS MEMBERS who were not provided with a meal period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a meal period was not provided.
- 18. DEFENDANTS further violated California Labor Code §§ 226.7, 510, 1194, 1197, and IWC Wage Order No. 1-2001 by failing to compensate PLAINTIFF and CLASS MEMBERS for all hours worked during their meal periods.
- 19. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

SECOND CAUSE OF ACTION

Failure to Provide Required Rest Periods

[Cal. Labor Code §§ 226.7, 512; IWC Wage Order No. 1-2001, § 12] (Against all DEFENDANTS)

- 20. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 21. At all times relevant herein, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS failed to provide rest periods to PLAINTIFF and CLASS MEMBERS as required under California Labor Code §§ 226.7 and 512, and IWC Wage Order No. 1-2001, § 12.
- 22. DEFENDANTS further violated California Labor Code § 226.7 and IWC Wage Order No. 1-2001, § 12 by failing to pay PLAINTIFF and CLASS MEMBERS who were not provided with a rest period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a rest period was not

provided.

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As a proximate result of the aforementioned violations, PLAINTIFF and CLASS

MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

THIRD CAUSE OF ACTION

Failure to Pay Overtime Wages

[Cal. Labor Code §§ 510, 1194, 1198; IWC Wage Order No. 1-2001, § 3]

(Against all DEFENDANTS)

- 24. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 25. Pursuant to California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3, DEFENDANTS are required to compensate PLAINTIFF and CLASS MEMBERS for all overtime, which is calculated at one and one-half (1 ½) times the regular rate of pay for all hours worked in excess of eight (8) hours per day and/or forty (40) hours per week, and for the first eight (8) hours on the seventh consecutive workday, with double time for all hours worked in excess of twelve (12) hours in any workday and for all hours worked in excess of eight (8) hours on the seventh consecutive day of work in any workweek.
- 26. PLAINTIFF and CLASS MEMBERS are current and former non-exempt employees entitled to the protections of California Labor Code §§ 510, 1194, and IWC Wage During the CLASS PERIOD, DEFENDANTS failed to compensate Order No. 1-2001. PLAINTIFF and CLASS MEMBERS for all overtime hours worked as required under the foregoing provisions of the California Labor Code and IWC Wage Order by, among other things: failing to pay overtime at one and one-half (1 ½) or double the regular rate of pay as provided by California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate

itemized wage statements to PLAINTIFF for each pay period; and other methods to be discovered.

- 27. In violation of California law, DEFENDANTS have knowingly and willfully refused to perform their obligations to compensate PLAINTIFF and CLASS MEMBERS for all wages earned and all hours worked. As a proximate result, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, substantial losses related to the use and enjoyment of such wages, lost interest on such wages, and expenses and attorneys' fees in seeking to compel DEFENDANTS to fully perform their obligations under state law, all to their respective damages in amounts according to proof at time of trial, and within the jurisdiction of this Court.
- 28. DEFENDANTS' conduct described herein violates California Labor Code §§ 510, 1194, 1198 and IWC Wage Order No. 1-2001, § 3. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the California Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FOURTH CAUSE OF ACTION

Failure to Pay Minimum Wages

[Cal Labor Code §§ 1194, 1197; IWC Wage Order No. 1-2001, § 4]

(Against all DEFENDANTS)

- 29. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 30. Pursuant to California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4, payment to an employee of less than the applicable minimum wage for all hours worked in a payroll period is unlawful.
- 31. During the CLASS PERIOD, DEFENDANTS failed to pay PLAINTIFF and CLASS MEMBERS minimum wages for all hours worked by, among other things: requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest

breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate itemized wage statements to PLAINTIFF and CLASS MEMBERS for each pay period; and other methods to be discovered.

32. DEFENDANTS' conduct described herein violates California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FIFTH CAUSE OF ACTION

Failure to Pay All Wages Due to Discharged and Quitting Employees [Cal. Labor Code §§ 201, 202, 203] (Against all DEFENDANTS)

- 33. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 34. Pursuant to California Labor Code § 201, 202, and 203, DEFENDANTS are required to pay all earned and unpaid wages to an employee who is discharged. California Labor Code § 201 mandates that if an employer discharges an employee, the employee's wages accrued and unpaid at the time of discharge are due and payable immediately.
- 35. Furthermore, pursuant to California Labor Code § 202, DEFENDANTS are required to pay all accrued wages due to an employee no later than 72 hours after the employee quits his or her employment, unless the employee provided 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.
- 36. California Labor Code § 203 provides that if an employer willfully fails to pay, in accordance with California Labor Code §§ 201 and 202, any wages of an employee who is discharged or who quits, the employer is liable for waiting time penalties in the form of continued

compensation to the employee at the same rate for up to 30 workdays.

- 37. During the CLASS PERIOD, DEFENDANTS have willfully failed to pay accrued wages and other compensation to PLAINTIFF and CLASS MEMBERS in accordance with California Labor Code §§ 201 and 202.
- 38. As a result, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including the waiting time penalties provided in California Labor Code § 203, together with interest thereon, as well as other available remedies.
- 39. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been deprived of compensation in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court, and are entitled to recovery of such amounts, plus interest thereon, and attorneys' fees and costs, pursuant to California Labor Code §§ 1194 and 2699.

SIXTH CAUSE OF ACTION

Failure to Maintain Required Records

[Cal. Labor Code §§ 226; IWC Wage Order No. 1-2001, § 7]

(Against all DEFENDANTS)

- 40. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 41. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive PLAINTIFF and CLASS MEMBERS of all wages earned and due, DEFENDANTS knowingly and intentionally failed to maintain records as required under California Labor Code §§ 226, 1174, and IWC Wage Order No. 1-2001, § 7, including but not limited to the following records: total daily hours worked by each employee; applicable rates of pay; all deductions; meal periods; time records showing when each employee begins and ends each work period; and accurate itemized statements.
- 42. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and are entitled to all wages earned and due, plus interest thereon. Additionally,

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PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

SEVENTH CAUSE OF ACTION

Failure to Furnish Accurate Itemized Wage Statements [Cal. Labor Code §§ 226, 1174; IWC Wage Order No. 1-2001, § 7] (Against all DEFENDANTS)

- 43. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 44. During the CLASS PERIOD, DEFENDANTS routinely failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in writing showing each employee's gross wages earned, total hours worked, all deductions made, net wages earned, the name and address of the legal entity or entities employing PLAINTIFF and CLASS MEMBERS, and all applicable hourly rates in effect during each pay period and the corresponding number of hours worked at each hourly rate, in violation of California Labor Code § 226 and IWC Wage Order No. 1-2001, § 7.
- 45. During the CLASS PERIOD, DEFENDANTS knowingly and intentionally failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in accordance with California Labor Code § 226(a).
- 46. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, plus interest thereon. Additionally, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

NINTH CAUSE OF ACTION

Unfair and Unlawful Business Practices

[Cal. Bus. & Prof. Code §§ 17200 et. seq.]

(Against all DEFENDANTS)

- 51. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 52. Each and every one of DEFENDANTS' acts and omissions in violation of the California Labor Code and/or the applicable IWC Wage Order as alleged herein, including but not limited to DEFENDANTS' failure and refusal to provide required meal periods, DEFENDANTS' failure and refusal to provide required rest periods, DEFENDANTS' failure and refusal to pay overtime compensation, DEFENDANTS' failure and refusal to pay minimum wages, DEFENDANTS' failure and refusal to pay all wages due to discharged or quitting employees, DEFENDANTS' failure and refusal to furnish accurate itemized wage statements; DEFENDANTS' failure and refusal to maintain required records, DEFENDANTS' failure and refusal to indemnify PLAINTIFF and CLASS MEMBERS for necessary expenditures and/or losses incurring in discharging their duties, constitutes an unfair and unlawful business practice under California Business and Professions Code § 17200 et seq.
- 53. DEFENDANTS' violations of California wage and hour laws constitute a business practice because DEFENDANTS' aforementioned acts and omissions were done repeatedly over a significant period of time, and in a systematic manner, to the detriment of PLAINTIFF and CLASS MEMBERS.
- 54. DEFENDANTS have avoided payment of wages, overtime wages, meal periods, rest periods, and other benefits as required by the California Labor Code, the California Code of Regulations, and the applicable IWC Wage Order. Further, DEFENDANTS have failed to record, report, and pay the correct sums of assessment to the state authorities under the California Labor Code and other applicable regulations.
- 55. As a result of DEFENDANTS' unfair and unlawful business practices, DEFENDANTS have reaped unfair and illegal profits during the CLASS PERIOD at the expense

of PLAINTIFF, CLASS MEMBERS, and members of the public. DEFENDANTS should be made to disgorge their ill-gotten gains and to restore them to PLAINTIFF and CLASS MEMBERS.

56. DEFENDANTS' unfair and unlawful business practices entitle PLAINTIFF and CLASS MEMBERS to seek preliminary and permanent injunctive relief, including but not limited to orders that DEFENDANTS account for, disgorge, and restore to PLAINTIFF and CLASS MEMBERS the wages and other compensation unlawfully withheld from them. PLAINTIFF and CLASS MEMBERS are entitled to restitution of all monies to be disgorged from DEFENDANTS in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court.

TENTH CAUSE OF ACTION

Representative Action for Civil Penalties

[Cal. Labor Code §§ 2698–2699.5]

(Against All DEFENDANTS)

- 57. PLAINTIFF incorporates herein by specific reference as though fully set forth the allegations in all preceding paragraphs, with exception of the allegations in paragraph 21 and the subparagraphs thereto.
- 58. PLAINTIFF is an "aggrieved employee" within the meaning of California Labor Code § 2699(c), and a proper representative to bring a civil action on behalf of herself and other current and former employees of DEFENDANTS pursuant to the procedures specified in California Labor Code § 2699.3, because PLAINTIFF and CLASS MEMBERS were employed by DEFENDANTS and the alleged violations of the California Labor Code were committed against PLAINTIFF and CLASS MEMBERS.
- 59. Pursuant to the California Private Attorneys General Act of 2004 ("PAGA"), Labor Code §§ 2698–2699.5, PLAINTIFF and CLASS MEMBBERS seeks to recover civil penalties, including but not limited to penalties under California Labor Code §§ 2699, 210, 226.3, 558, 1174.5, 1197.1, and IWC Wage Order No. 1-2001, § 20, from DEFENDANTS in a representative action for the violations set forth above, including but not limited to violations of

California Labor Code §§ 201, 202, 203, 204, 226, 226.7, 510, 512, 1174, 1194, 1197, 1198, and 2802. PLAINTIFF and CLASS MEMBERS are also entitled to an award of reasonable attorneys' fees and costs pursuant to California Labor Code § 2699(g)(1).

- 60. Pursuant to California Labor Code §§ 2699.3, PLAINTIFF gave written notice on August 29, 2019 by online filing to the California Labor and Workforce Development Agency ("LWDA") and by certified mail to DEFENDANTS of the specific provisions of the California Labor Code and IWC Wage Orders alleged to have been violated, including the facts and theories to support the alleged violations. More than sixty-five (65) days have passed and the LWDA has not provided notice to PLAINTIFF that it intends to investigate the alleged violations.
- 61. Therefore, PLAINTIFF has complied with all of the requirements set forth in California Labor Code § 2699.3 to commence a representative action under PAGA.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF, individually and on behalf of all other persons similarly situated, respectfully prays for relief against DEFENDANTS and DOES 1 through 50, inclusive, and each of them, as follows:

- 1. For compensatory damages in an amount to be ascertained at trial;
- 2. For restitution of all monies due to PLAINTIFF and CLASS MEMBERS, as well as disgorged profits from DEFENDANTS' unfair and unlawful business practices;
- 3. For meal and rest period compensation pursuant to California Labor Code § 226.7 and IWC Wage Order No. 1-2001;
 - 4. For liquidated damages pursuant to California Labor Code §§ 1194.2 and 1197.1;
- 5. For preliminary and permanent injunctive relief enjoining DEFENDANTS from violating the relevant provisions of the California Labor Code and the IWC Wage Orders, and from engaging in the unlawful business practices complained of herein;
 - 6. For waiting time penalties pursuant to California Labor Code § 203;
- 7. For statutory and civil penalties according to proof, including but not limited to all penalties authorized by the California Labor Code §§ 226(e) and §§ 2698–2699.5;

///

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 128 of 189

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 129 of 189

1	1 DEMAND FOR HIDV TRIAL	
1 2		
		if issues triable of right by Jury.
3	DATED: November 14, 2019 Respectfully submitted	l,
4	MATERN LAW GR	OUP, PC
5	By:	
6 7	7/8/17	TI -
8	Matthew J. Matern	<u> </u>
9	Julia Z. Wells	im
10	ALICIA REYNA ind	ividually, and on
11		s similarly situated
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14	<u>{</u>	
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		/06/20 Page 130 of 189 CM-010	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Ba		FOR COURT USE ONLY	
Matthew Matern; Tagore Subramaniam; Jul Matern Law Group, PC	ia Wells SBN: 139796; 280126; 314242	ELECTRONICALLY FILED BY	
•	Superior Court of California,		
1230 Rosecrans Avenue, Suite 200, Manhat	,		
TELEPHONE NO.:(310) 531-1900 ATTORNEY FOR (Name): Plaintiff Alicia Reyna	County of Monterey		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF M	NITEDEN	On 11/14/2019 12:00 PM	
STREET ADDRESS: 1200 Aguajito Rd.	DNIEREI	By: Jacqueline Gilbert, Deputy	
MAILING ADDRESS: 1200 Aguajito Rd.			
CITY AND ZIP CODE: Monterey, 93940			
• •			
BRANCH NAME: Monterey Courthouse		 	
CASE NAME: Alicia Reyna v. Westrock Con	npany, et al.		
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER: 19CV004600	
X Unlimited Limited	Counter Joinder		
(Amount (Amount demanded is	Filed with first appearance by defend	JUDGE:	
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	DEPT:	
	flow must be completed (see instructions		
		on page 2).	
1. Check one box below for the case type th	-	Provided and the O. o. 1 and 11 and 11	
Auto Tort		Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)	
Auto (22)			
Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)	
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)	
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)	
Asbestos (04)	Other contract (37)	Securities litigation (28)	
Product liability (24)	Real Property	Environmental/Toxic tort (30)	
Medical malpractice (45)	Eminent domain/Inverse	Insurance coverage claims arising from the	
Other PI/PD/WD (23)	condemnation (14)	above listed provisionally complex case	
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	types (41)	
Business tort/unfair business practice (0	7) Other real property (26)	Enforcement of Judgment	
Civil rights (08)	Unlawful Detainer	Enforcement of judgment (20)	
Defamation (13)	Commercial (31)	Miscellaneous Civil Complaint	
Fraud (16)	Residential (32)		
l — ` ` '	Drugs (38)	RICO (27)	
Intellectual property (19)	Judicial Review	Other complaint (not specified above) (42)	
Professional negligence (25)		Miscellaneous Civil Petition	
Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	Partnership and corporate governance (21)	
Employment	Petition re: arbitration award (11)	Other petition (not specified above) (43)	
Wrongful termination (36) Writ of mandate (02)			
X Other employment (15) Other judicial review (39)			
2. This case X is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:			
a. Large number of separately repre		r of witnesses	
b. Extensive motion practice raising		with related actions pending in one or more courts	
•			
issues that will be time-consuming to resolve in other counties, states, or countries, or in a federal court			
c. X Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision			
3. Remedies sought (check all that apply): a		declaratory or injunctive relief c. punitive	
4. Number of causes of action (specify): Ten	. (10)		
	ss action suit.		
6. If there are any known related cases, file		may use form CM-015.)	
•			
Date: November 14, 2019	· ///		
Matthew Matern		GIGNATURE OF PARTY OR ATTORNEY FOR PARTY)	
(TYPE OR PRINT NAME)	NOTICE	MINATORE OF PARTY OF ATTORNEY FOR PARTY)	
Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result			
in sanctions.			
 File this cover sheet in addition to any cover sheet required by local court rule. If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all 			
ather we with a text of the position of the position			
 Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only. 			
Form Adopted for Mandatory Use	CIVIL CASE COVER SHEET	Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;	
Judicial Council of California CM-010 [Rev. July 1, 2007]	CIVIL CASE COVER SHEET	Cal. Standards of Judicial Administration, std. 3.10 www.courtinfo.ca.gov Westlaw Doc & Form Builder-	

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3,400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort

Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death

Product Liability (not asbestos or toxic/environmental) (24) Medical Malpractice (45)

Medical Malpractice-

Physicians & Surgeons Other Professional Health Care

Malpractice Other PI/PD/WD (23)

Premises Liability (e.g., slip

and fall) Intentional Bodily Injury/PD/WD

(e.g., assault, vandalism) Intentional Infliction of **Emotional Distress**

Negligent Infliction of **Emotional Distress** Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08) Defamation (e.g., slander, libel) (13)

Fraud (16) Intellectual Property (19)

Professional Negligence (25) Legal Malpractice

Other Professional Malpractice (not medical or legal)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

CASE TYPES AND EXAMPLES

Contract Breach of Contract/Warranty (06)

Breach of Rental/Lease Contract (not unlawful detainer

or wrongful eviction) Contract/Warranty Breach-Seller Plaintiff (not fraud or negligence)

Negligent Breach of Contract/ Warranty

Other Breach of Contract/Warranty Collections (e.g., money owed, open

book accounts) (09) Collection Case-Seller Plaintiff

Other Promissory Note/Collections Case

Insurance Coverage (not provisionally complex) (18)

Auto Subrogation Other Coverage

Other Contract (37) Contractual Fraud Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item: otherwise. report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39) Review of Health Officer Order Notice of Appeal-Labor

Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30)

Insurance Coverage Claims (arising from provisionally complex

case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20) Abstract of Judgment (Out of County)

Confession of Judgment (nondomestic relations) Sister State Judgment

Administrative Agency Award (not unpaid taxes) Petition/Certification of Entry of

Judgment on Unpaid Taxes Other Enforcement of Judgment

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified above) (42)

Declaratory Relief Only Injunctive Relief Only (nonharassment)

Mechanics Lien

Other Commercial Complaint Case (non-tort/non-complex)

Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)

Other Petition (not specified above) (43)

Civil Harassment Workplace Violence Elder/Dependent Adult

Abuse **Election Contest**

Petition for Name Change Petition for Relief From Late

Claim Other Civil Petition

SUPERIOR COURT OF MONTEREY COUNTY Monterey Branch, 1200 Aguajito Road, Monterey, CA 93940		
Alicia Reyna	CASE NUMBER 19CV004600	
Vs. WestRock Company, et al. Case Management Conference		

NOTICE OF ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

Your case designated COMPLEX or CLASS ACTION is assigned for all purposes to Honorable Lydia M. Villarreal Dept. 13

This notice and Alternative Dispute Resolution (ADR) information packet (CI-127)* must be served together with the Summons and Complaint pursuant to California Rule of Court 3.221. Parties are required to follow the case management rules as outlined in California Rule of Court 3.722 and Chapter 6 of the Local Rules of Court found on the court website at www.montereycourt.ca.gov. A joint case management statement shall be filed prior to the conference as outlined in California Rule of Court 3.725.

Date: March 17, 2020 Time: 9:00 AM

Location: 1200 Aguajito Road, Monterey, CA 93940

Pursuant to statutes of the State of California, it is the responsibility of the court to establish procedures for the timely and effective disposition of civil cases.

The court is charged with the responsibility of ensuring all parties a fair and timely resolution of their disputes, and the court is in the best position to establish neutral rules and policies without adversely affecting all parties' right to a fair trial. Effective management of the judicial system will build continuing respect by the community of government, minimize the costs to the parties and the public, and maximize the probability that cases will be timely resolved.

The goals of the Monterey County civil case and trial management system are:

- 1. To provide an effective and fair procedure for the timely disposition of civil cases;
- 2. To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions; and
- 3. To establish reasonable rules and policies to require that cases reporting "ready" for trial may be tried without unnecessary delays or interruptions.

Court proceedings are in English. If you or a witness in your case needs an interpreter, please complete Judicial Council form INT—300. You must file INT-300 at the first floor clerks counter (or by e-file) 15* business days prior to your hearing.

Los procedimientos judiciales son en inglés. Si usted o un testigo en su caso necesita un intérprete, complete el formulario INT-300 del Consejo Judicial. Debe presentar el INT-300 con los empleados legales de la oficina del primer piso (o mediante archivo electrónico) 15* días hábiles antes de su audiencia.

^{*}The ADR information packet (CI-127) can be found at FORMS on the court's website at www.monterey.courts.ca.gov.

1 2 3 4 5 6 7 8	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/27/2019 11:42 AM By: Veronica Green, Deputy
9	similarly situated	
10	SUPERIOR COURT OF TH	IE STATE OF CALIFORNIA
11	FOR THE COUNT	TY OF MONTEREY
12		
13	ALICIA REYNA, individually, and on behalf of others similarly situated	CASE NO.: 19CV004600
14	Plaintiff,	[Assigned for all purposes to the Hon. Lydia M. Villarreal]
15	VS.	CLASS ACTION:
16 17 18 19	WESTROCK COMPANY, a Delaware corporation; WESTROCK SHARED SERVICES, LLC, a limited liability company; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER	AFFIDAVIT OF PREJUDICE - PEREMPTORY CHALLENGE TO JUDICIAL OFFICER [C.C.P. § 170.6]
20 21 22 23 24	PACKAGING GROUP, LLC, a limited liability company; WESTROCK CONVERTING, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK HOLDINGS, INC., a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive,	Complaint filed: November 14, 2019
25	Defendants	
26		
27		
28		

TO THE HONORABLE, THE SUPERVISING JUDGE OF THE ABOVE ENTITLED

Plaintiff Alicia Reyna, in the above-entitled matter, hereby moves that this action, which

1 2 3

COURT:

OFFICER

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AFFIDAVIT OF PREJUDICE - PEREMPTORY CHALLENGE TO JUDICIAL

has been assigned to the Honorable Lydia M. Villarreal, Judge of the above-entitled Court, be

reassigned from that judge, and that no matters hereinafter arising in this cause be heard by or

assigned to the Honorable Lydia M. Villarreal on the ground that said judge is prejudiced against

I, Tagore Subramaniam, declare as follows:

the plaintiff, her attorney and plaintiff's interests, in this action.

- 1. That I am an attorney for plaintiff Alicia Reyna in the within action.
- 2. That the Honorable Lydia M. Villarreal, the judicial officer before whom the aforesaid action is assigned, is prejudiced against plaintiff Alicia Reyna, the interest of plaintiff. and her attorneys, so that declarant and plaintiff cannot and believe that he and plaintiff cannot have a fair and impartial trial or hearing before the judicial officer.

I declare under penalty of perjury according to the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 27, 2019 at Manhattan Beach, California.

Tagore O. Subramaniam

Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated

BEACH, CA 90266

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY		
Alicia Reyna,		
Vs. WestRock Company; WestRock Services, LLC; WestRock Consumer Packaging Group, LLC; WestRock MWV, LLC; WestRock California LLC; WestRock California, Inc.; WestRock CP, LLC; WestRock Packaging Systems, LLC, Defendant	Clerk: Date:	Elise Mouisset 12/17/2019
	Case No.	19CV004600
Out of Court Entries by Clerk		

Affidavit of Prejudice pursuant to 170.6 CCP against Judge Lydla M. Villareal by Plaintiff's Attorney Tagore O. Subramaniam, submitted to Judge Susan J. Matcham for reassignment.

Case is assigned to Judge Marla O. Anderson in Monterey courtroom 14.

Plaintiff's Attorney is to notice all parties accordingly.

EXHIBIT 6

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: WESTROCK COMPANY, a corporation; (AVISO AL DEMANDADO): WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; Additional Parties Attachment form is attached.

YOU ARE BEING SUED BY PLAINTIFF: ALICIA REYNA, individually, and on (LO ESTÁ DEMANDANDO EL DEMANDANTE): behalf of others similarly situated

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

pagar el gravamen de la corte ar	ntes de que la corte pueda desechar el caso.		
The name and address of the c (El nombre y dirección de la co Superior Court of California, (orte es):	CASE NUMBER: (Número del Caso): 19CV004600	
	none number of plaintiff's attorney, or plaintiff without an úmero de teléfono del abogado del demandante, o del d		
Matern Law Group, PC		•	
1230 Rosecrans Avenue, Suite	200, Manhattan Beach, CA 90266	(310) 531-1900	0
DATE: 11/14/2019 (Fecha)	Clerk, by /s/ (Secretario)		Deputy (Adjunto)
	nmons, use Proof of Service of Summons (form POS-0: ta citatión use el formulario Proof of Service of Summor	s, (POS-010)).	
SEAL) SURTOF CALL	NOTICE TO THE PERSON SERVED: You are served as an individual defendant. 2 as the person sued under the fictitious name.		
ORNIN	3. On behalf of (specify): WestRock CP, LLC,	limited liability company	
	under: CCP 416.10 (corporation) CCP 416.20 (defunct corporation) CCP 416.40 (association or partners	CCP 416.60 (minor) CCP 416.70 (conservatee) CCP 416.90 (authorized pe	
OF MON	other (specify): limited liability of	company	

4. [

by personal delivery on (date):

Page 1 of 1

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 138 of 189

·	SUM-200(A)
SHORT TITLE:	CASE NUMBER:
	19CV004600
INSTRUCTIONS FOR USE → This form may be used as an attachment to any summons if space does not permit the → If this attachment is used, insert the following statement in the plaintiff or defendant be Attachment form is attached."	•
List additional parties (Check only one box. Use a separate page for each type of party	y.):
Plaintiff X Defendant Cross-Complainant Cross-Defer	ndant
WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive,	

Page __1__ of __1__

Page 1 of 1

1 2 3 4 5 6 7 8 9	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy
10	SUPERIOR COURT OF TH	IE STATE OF CALIFORNIA
11	FOR THE COUNT	TY OF MONTEREY
12	ALICIA REYNA, individually, and on behalf	CASE NO.: 19CV004600
13	of others similarly situated	COMPLAINT
14	Plaintiff,	CLASS ACTION:
15 16 17 18 19 20 21 22 23 24 25 26 27	WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive, Defendants	 Failure to Provide Required Meal Periods Failure to Provide Required Rest Periods Failure to Pay Overtime Wages Failure to Pay Minimum Wages Failure to Pay All Wages Due to Discharged and Quitting Employees Failure to Maintain Required Records Failure to Furnish Accurate Itemized Wage Statements Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of Duties Unfair and Unlawful Business Practices REPRESENTATIVE ACTION: Penalties under the Labor Code Private Attorneys General Act, as Representative Action DEMAND FOR JURY TRIAL
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MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

INTRODUCTION

PLAINTIFF ALICIA REYNA ("PLAINTIFF"), an individual, demanding a jury trial, on behalf of herself and other persons similarly situated, hereby alleges as follows:

JURISDICTION AND VENUE

- 1. The Superior Court of the State of California has jurisdiction in this matter because PLAINTIFF is a resident of the State of California, and Defendants WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company and DOES 1 through 100, inclusive (collectively hereinafter, "DEFENDANTS"), are qualified to do business in California and regularly conduct business in California. Further, no federal question is at issue because the claims are based solely on California law.
- 2. Venue is proper in this judicial district and the County of Monterey, California because PLAINTIFF, and other persons similarly situated, performed work for DEFENDANTS in the County of Monterey, DEFENDANTS maintain offices and facilities and transact business in the County of Monterey, and because DEFENDANTS' illegal payroll policies and practices which are the subject of this action were applied, at least in part, to PLAINTIFF, and other persons similarly situated, in the County of Monterey.

PLAINTIFF

- 3. PLAINTIFF is a female resident of the State of California and a former employee of DEFENDANTS.
- 4. PLAINTIFF, on behalf of herself and other similarly situated current and former non-exempt employees of DEFENDANTS in the State of California at any time during the four years preceding the filing of this action, and continuing while this action is pending, brings this action to recover, among other things, wages and penalties from unpaid wages earned and due, including but not limited to unpaid minimum wages, unpaid and illegally calculated overtime

compensation, illegal meal and rest period policies, failure to pay all wages due to discharged and quitting employees, failure to indemnify employees for necessary expenditures and/or losses incurred in discharging their duties, failure to provide accurate itemized wage statements, failure to maintain required records, and interest, attorneys' fees, costs, and expenses.

5. PLAINTIFF brings this action on behalf of herself and the following similarly situated class of individuals ("CLASS MEMBERS"): all current and former non-exempt employees of DEFENDANTS in the State of California at any time within the period beginning four (4) years prior to the filing of this action and ending at the time this action settles or proceeds to final judgment (the "CLASS PERIOD"). PLAINTIFF reserves the right to name additional class representatives.

DEFENDANTS

- 6. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK COMPANY is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK COMPANY maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 7. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK SERVICES, LLC is, and at all times relevant herein was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, upon information and belief, Defendant WESTROCK SERVICES, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 8. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll

practices or policies in, the County of Monterey, State of California.

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WESTROCK MWV, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK MWV, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California. 10. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT

PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT

- WESTROCK CALIFORNIA, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CALIFORNIA, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 11. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CP, LLC maintains offices and facilities and conducts business in. and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT 12. WESTROCK PACKAGING SYSTEMS, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- The true names and capacities of DOES 1 through 50, inclusive, are unknown to 13. PLAINTIFF at this time, and PLAINTIFF therefore sues such DOE Defendants under fictitious PLAINTIFF is informed and believes, and thereon alleges, that each Defendant names.

designated as a DOE is in some manner highly responsible for the occurrences alleged herein, and that PLAINTIFF and CLASS MEMBERS' injuries and damages, as alleged herein, were proximately caused by the conduct of such DOE Defendants. PLAINTIFF will seek leave of the court to amend this Complaint to allege their true names and capacities of such DOE Defendants when ascertained.

- 14. At all relevant times herein, DEFENDANTS were the joint employers of PLAINTIFF and CLASS MEMBERS. PLAINTIFF is informed and believes, and thereon allege, that at all times material to this complaint DEFENDANTS were the alter egos, divisions, affiliates, integrated enterprises, joint employers, subsidiaries, parents, principals, related entities, co-conspirators, authorized agents, partners, joint venturers, and/or guarantors, actual or ostensible, of each other. Each Defendant was completely dominated by his, her or its co-Defendant, and each was the alter ego of the other.
- by DEFENDANTS under employment agreements that were partly written, partly oral, and partly implied. In perpetrating the acts and omissions alleged herein, DEFENDANTS, and each of them, acted pursuant to, and in furtherance of, their policies and practices of not paying PLAINTIFF and CLASS MEMBERS all wages earned and due, through methods and schemes which include, but are not limited to, failing to pay overtime premiums; failing to provide rest and meal periods; failing to properly maintain records; failing to provide accurate itemized statements for each pay period; failing to properly compensate PLAINTIFF and CLASS MEMBERS for necessary expenditures; and requiring, permitting or suffering the employees to work off the clock, in violation of the California Labor Code and the applicable Welfare Commission ("TWC") Orders.
- 16. PLAINTIFF is informed and believes, and thereon allege, that each and every one of the acts and omissions alleged herein were performed by, and/or attributable to, all DEFENDANTS, each acting as agents and/or employees, and/or under the direction and control of, each of the other DEFENDANTS, and that said acts and failures to act were within the course and scope of said agency, employment and/or direction and control.

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17. As a direct and proximate result of the unlawful actions of DEFENDANTS, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, from loss of earnings in amounts as yet unascertained, but subject to proof at trial, and within the jurisdiction of this Court.

CLASS ACTION DESIGNATION

- 18. This action is appropriately suited for a Class Action because:
- a. The potential class is a significant number. Joinder of all current and former employees individually would be impractical.
- b. This action involves common questions of law and fact to the potential class because the action focuses on DEFENDANTS' systematic course of illegal payroll practices and policies, which was applied to all non-exempt employees in violation of the Labor Code, the applicable IWC wage order, and the Business and Professions Code which prohibits unfair business practices arising from such violations.
- c. The claims of PLAINTIFF are typical of the class because DEFENDANTS subjected all non-exempt employees to identical violations of the Labor Code, the applicable IWC wage order, and the Business and Professions Code.
- d. PLAINTIFF is able to fairly and adequately protect the interests of all members of the class because it is in her best interests to prosecute the claims alleged herein to obtain full compensation due to them for all services rendered and hours worked.

FIRST CAUSE OF ACTION

Failure to Provide Required Meal Periods

[Cal. Labor Code §§ 226.7, 510, 512, 1194, 1197; IWC Wage Order No. 1-2001, § 11] (Against all DEFENDANTS)

- 15. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 16. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS required, permitted or otherwise suffered PLAINTIFF and CLASS MEMBERS to take less than

the 30-minute meal period, or to work through them, and have failed to otherwise provide the required meal periods to PLAINTIFF and CLASS MEMBERS pursuant to California Labor Code § 226.7, 512 and IWC Order No. 1-2001, § 11.

- 17. DEFENDANTS further violated California Labor Code §§ 226.7 and IWC Wage Order No. 1-2001, § 11 by failing to compensate PLAINTIFF and CLASS MEMBERS who were not provided with a meal period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a meal period was not provided.
- 18. DEFENDANTS further violated California Labor Code §§ 226.7, 510, 1194, 1197, and IWC Wage Order No. 1-2001 by failing to compensate PLAINTIFF and CLASS MEMBERS for all hours worked during their meal periods.
- 19. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

SECOND CAUSE OF ACTION

Failure to Provide Required Rest Periods

[Cal. Labor Code §§ 226.7, 512; IWC Wage Order No. 1-2001, § 12] (Against all DEFENDANTS)

- 20. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 21. At all times relevant herein, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS failed to provide rest periods to PLAINTIFF and CLASS MEMBERS as required under California Labor Code §§ 226.7 and 512, and IWC Wage Order No. 1-2001, § 12.
- 22. DEFENDANTS further violated California Labor Code § 226.7 and IWC Wage Order No. 1-2001, § 12 by failing to pay PLAINTIFF and CLASS MEMBERS who were not provided with a rest period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a rest period was not

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23. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

THIRD CAUSE OF ACTION

Failure to Pay Overtime Wages

[Cal. Labor Code §§ 510, 1194, 1198; IWC Wage Order No. 1-2001, § 3] (Against all DEFENDANTS)

- 24. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- Pursuant to California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-25. 2001, § 3, DEFENDANTS are required to compensate PLAINTIFF and CLASS MEMBERS for all overtime, which is calculated at one and one-half (1 ½) times the regular rate of pay for all hours worked in excess of eight (8) hours per day and/or forty (40) hours per week, and for the first eight (8) hours on the seventh consecutive workday, with double time for all hours worked in excess of twelve (12) hours in any workday and for all hours worked in excess of eight (8) hours on the seventh consecutive day of work in any workweek.
- 26. PLAINTIFF and CLASS MEMBERS are current and former non-exempt employees entitled to the protections of California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001. During the CLASS PERIOD, DEFENDANTS failed to compensate PLAINTIFF and CLASS MEMBERS for all overtime hours worked as required under the foregoing provisions of the California Labor Code and IWC Wage Order by, among other things: failing to pay overtime at one and one-half (1 ½) or double the regular rate of pay as provided by California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate

itemized wage statements to PLAINTIFF for each pay period; and other methods to be discovered.

- 27. In violation of California law, DEFENDANTS have knowingly and willfully refused to perform their obligations to compensate PLAINTIFF and CLASS MEMBERS for all wages earned and all hours worked. As a proximate result, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, substantial losses related to the use and enjoyment of such wages, lost interest on such wages, and expenses and attorneys' fees in seeking to compel DEFENDANTS to fully perform their obligations under state law, all to their respective damages in amounts according to proof at time of trial, and within the jurisdiction of this Court.
- 28. DEFENDANTS' conduct described herein violates California Labor Code §§ 510, 1194, 1198 and IWC Wage Order No. 1-2001, § 3. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the California Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FOURTH CAUSE OF ACTION

Failure to Pay Minimum Wages

[Cal Labor Code §§ 1194, 1197; IWC Wage Order No. 1-2001, § 4]

(Against all DEFENDANTS)

- 29. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 30. Pursuant to California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4, payment to an employee of less than the applicable minimum wage for all hours worked in a payroll period is unlawful.
- 31. During the CLASS PERIOD, DEFENDANTS failed to pay PLAINTIFF and CLASS MEMBERS minimum wages for all hours worked by, among other things: requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest

breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate itemized wage statements to PLAINTIFF and CLASS MEMBERS for each pay period; and other methods to be discovered.

32. DEFENDANTS' conduct described herein violates California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FIFTH CAUSE OF ACTION

Failure to Pay All Wages Due to Discharged and Quitting Employees [Cal. Labor Code §§ 201, 202, 203] (Against all DEFENDANTS)

- 33. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 34. Pursuant to California Labor Code § 201, 202, and 203, DEFENDANTS are required to pay all earned and unpaid wages to an employee who is discharged. California Labor Code § 201 mandates that if an employer discharges an employee, the employee's wages accrued and unpaid at the time of discharge are due and payable immediately.
- 35. Furthermore, pursuant to California Labor Code § 202, DEFENDANTS are required to pay all accrued wages due to an employee no later than 72 hours after the employee quits his or her employment, unless the employee provided 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.
- 36. California Labor Code § 203 provides that if an employer willfully fails to pay, in accordance with California Labor Code §§ 201 and 202, any wages of an employee who is discharged or who quits, the employer is liable for waiting time penalties in the form of continued

compensation to the employee at the same rate for up to 30 workdays.

- 37. During the CLASS PERIOD, DEFENDANTS have willfully failed to pay accrued wages and other compensation to PLAINTIFF and CLASS MEMBERS in accordance with California Labor Code §§ 201 and 202.
- 38. As a result, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including the waiting time penalties provided in California Labor Code § 203, together with interest thereon, as well as other available remedies.
- 39. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been deprived of compensation in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court, and are entitled to recovery of such amounts, plus interest thereon, and attorneys' fees and costs, pursuant to California Labor Code §§ 1194 and 2699.

SIXTH CAUSE OF ACTION

Failure to Maintain Required Records

[Cal. Labor Code §§ 226; IWC Wage Order No. 1-2001, § 7]

(Against all DEFENDANTS)

- 40. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 41. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive PLAINTIFF and CLASS MEMBERS of all wages earned and due, DEFENDANTS knowingly and intentionally failed to maintain records as required under California Labor Code §§ 226, 1174, and IWC Wage Order No. 1-2001, § 7, including but not limited to the following records: total daily hours worked by each employee; applicable rates of pay; all deductions; meal periods; time records showing when each employee begins and ends each work period; and accurate itemized statements.
- 42. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and are entitled to all wages earned and due, plus interest thereon. Additionally,

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PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

SEVENTH CAUSE OF ACTION

Failure to Furnish Accurate Itemized Wage Statements [Cal. Labor Code §§ 226, 1174; IWC Wage Order No. 1-2001, § 7]

(Against all DEFENDANTS)

- 43. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 44. During the CLASS PERIOD, DEFENDANTS routinely failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in writing showing each employee's gross wages earned, total hours worked, all deductions made, net wages earned, the name and address of the legal entity or entities employing PLAINTIFF and CLASS MEMBERS, and all applicable hourly rates in effect during each pay period and the corresponding number of hours worked at each hourly rate, in violation of California Labor Code § 226 and IWC Wage Order No. 1-2001, § 7.
- 45. During the CLASS PERIOD, DEFENDANTS knowingly and intentionally failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in accordance with California Labor Code § 226(a).
- 46. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, plus interest thereon. Additionally, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

1	EIGHTH CAUSE OF ACTION
2	Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of
3	Duties
4	[Cal. Labor Code § 2802]
5	(Against all DEFENDANTS)
6	47. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the
7	allegations in the foregoing paragraphs.
8	48. California Labor Code § 2802(a) requires an employer to indemnify an employee
9	for all necessary expenditures or losses incurred by the employee in direct consequence of the
10	discharge of his or her duties, or of his or her obedience to the directions of the employer.
11.	49. During the CLASS PERIOD, DEFENDANTS knowingly and willfully failed to
12	indemnify PLAINTIFF and CLASS MEMBERS for all business expenses and/or losses incurred
13	in direct consequence of the discharge of their duties while working under the direction of
14	DEFENDANTS, including but not limited to expenses for tools, steel toed boots, uniform-related
15	expenses, usage of personal cell phones, and other employment-related expenses, in violation of
16	California Labor Code § 2802.
17	50. As a proximate result of DEFENDANTS' unlawful actions and omissions,
18	PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at
19	trial, and seek reimbursement of all necessary expenditures, plus interest thereon pursuant to
20	California Labor Code § 2802(b). Additionally, PLAINTIFF and CLASS MEMBERS are
21	entitled to all available statutory penalties and an award of costs, expenses, and reasonable
22	attorneys' fees, including those provided in California Labor Code § 2802(c), as well as other
23	available remedies.
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NINTH CAUSE OF ACTION

Unfair and Unlawful Business Practices

[Cal. Bus. & Prof. Code §§ 17200 et. seq.]

(Against all DEFENDANTS)

- 51. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 52. Each and every one of DEFENDANTS' acts and omissions in violation of the California Labor Code and/or the applicable IWC Wage Order as alleged herein, including but not limited to DEFENDANTS' failure and refusal to provide required meal periods, DEFENDANTS' failure and refusal to provide required rest periods, DEFENDANTS' failure and refusal to pay overtime compensation, DEFENDANTS' failure and refusal to pay minimum wages, DEFENDANTS' failure and refusal to pay all wages due to discharged or quitting employees, DEFENDANTS' failure and refusal to furnish accurate itemized wage statements; DEFENDANTS' failure and refusal to maintain required records, DEFENDANTS' failure and refusal to indemnify PLAINTIFF and CLASS MEMBERS for necessary expenditures and/or losses incurring in discharging their duties, constitutes an unfair and unlawful business practice under California Business and Professions Code § 17200 et seq.
- 53. DEFENDANTS' violations of California wage and hour laws constitute a business practice because DEFENDANTS' aforementioned acts and omissions were done repeatedly over a significant period of time, and in a systematic manner, to the detriment of PLAINTIFF and CLASS MEMBERS.
- 54. DEFENDANTS have avoided payment of wages, overtime wages, meal periods, rest periods, and other benefits as required by the California Labor Code, the California Code of Regulations, and the applicable IWC Wage Order. Further, DEFENDANTS have failed to record, report, and pay the correct sums of assessment to the state authorities under the California Labor Code and other applicable regulations.
- 55. As a result of DEFENDANTS' unfair and unlawful business practices, DEFENDANTS have reaped unfair and illegal profits during the CLASS PERIOD at the expense

of PLAINTIFF, CLASS MEMBERS, and members of the public. DEFENDANTS should be made to disgorge their ill-gotten gains and to restore them to PLAINTIFF and CLASS MEMBERS.

DEFENDANTS' unfair and unlawful business practices entitle PLAINTIFF and CLASS MEMBERS to seek preliminary and permanent injunctive relief, including but not limited to orders that DEFENDANTS account for, disgorge, and restore to PLAINTIFF and CLASS MEMBERS the wages and other compensation unlawfully withheld from them. PLAINTIFF and CLASS MEMBERS are entitled to restitution of all monies to be disgorged from DEFENDANTS in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court.

TENTH CAUSE OF ACTION

Representative Action for Civil Penalties

[Cal. Labor Code §§ 2698–2699.5]

(Against All DEFENDANTS)

- 57. PLAINTIFF incorporates herein by specific reference as though fully set forth the allegations in all preceding paragraphs, with exception of the allegations in paragraph 21 and the subparagraphs thereto.
- 58. PLAINTIFF is an "aggrieved employee" within the meaning of California Labor Code § 2699(c), and a proper representative to bring a civil action on behalf of herself and other current and former employees of DEFENDANTS pursuant to the procedures specified in California Labor Code § 2699.3, because PLAINTIFF and CLASS MEMBERS were employed by DEFENDANTS and the alleged violations of the California Labor Code were committed against PLAINTIFF and CLASS MEMBERS.
- 59. Pursuant to the California Private Attorneys General Act of 2004 ("PAGA"), Labor Code §§ 2698–2699.5, PLAINTIFF and CLASS MEMBBERS seeks to recover civil penalties, including but not limited to penalties under California Labor Code §§ 2699, 210, 226.3, 558, 1174.5, 1197.1, and IWC Wage Order No. 1-2001, § 20, from DEFENDANTS in a representative action for the violations set forth above, including but not limited to violations of

California Labor Code §§ 201, 202, 203, 204, 226, 226.7, 510, 512, 1174, 1194, 1197, 1198, and 2802. PLAINTIFF and CLASS MEMBERS are also entitled to an award of reasonable attorneys' fees and costs pursuant to California Labor Code § 2699(g)(1).

- 60. Pursuant to California Labor Code §§ 2699.3, PLAINTIFF gave written notice on August 29, 2019 by online filing to the California Labor and Workforce Development Agency ("LWDA") and by certified mail to DEFENDANTS of the specific provisions of the California Labor Code and IWC Wage Orders alleged to have been violated, including the facts and theories to support the alleged violations. More than sixty-five (65) days have passed and the LWDA has not provided notice to PLAINTIFF that it intends to investigate the alleged violations.
- 61. Therefore, PLAINTIFF has complied with all of the requirements set forth in California Labor Code § 2699.3 to commence a representative action under PAGA.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF, individually and on behalf of all other persons similarly situated, respectfully prays for relief against DEFENDANTS and DOES 1 through 50, inclusive, and each of them, as follows:

- 1. For compensatory damages in an amount to be ascertained at trial;
- 2. For restitution of all monies due to PLAINTIFF and CLASS MEMBERS, as well as disgorged profits from DEFENDANTS' unfair and unlawful business practices;
- 3. For meal and rest period compensation pursuant to California Labor Code § 226.7 and IWC Wage Order No. 1-2001;
 - 4. For liquidated damages pursuant to California Labor Code §§ 1194.2 and 1197.1;
- 5. For preliminary and permanent injunctive relief enjoining DEFENDANTS from violating the relevant provisions of the California Labor Code and the IWC Wage Orders, and from engaging in the unlawful business practices complained of herein;
 - 6. For waiting time penalties pursuant to California Labor Code § 203;
- 7. For statutory and civil penalties according to proof, including but not limited to all penalties authorized by the California Labor Code §§ 226(e) and §§ 2698–2699.5;

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- 8. For interest on the unpaid wages at 10% per annum pursuant to California Labor Code §§ 218.6, 1194, 2802, California Civil Code §§ 3287, 3288, and/or any other applicable provision providing for pre-judgment interest;
- 9. For reasonable attorneys' fees and costs pursuant to California Labor Code §§ 1194, 2699, 2802, California Civil Code § 1021.5, and any other applicable provisions providing for attorneys' fees and costs;
 - 10. For declaratory relief;
- 11. For an order requiring and certifying the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Causes of Action as a class action;
- 12. For an order appointing PLAINTIFF as class representative, and PLAINTIFF's counsel as class counsel; and
 - 13. For such further relief that the Court may deem just and proper.

DATED: November 14, 2019

Respectfully submitted,

MATERN LAW GROUP, PC

Rv.

Matthew J. Matern

Tagore O. Subramaniam

Julia Z. Wells

Attorneys for Plaintiff

ALICIA REYNA, individually, and on behalf of other persons similarly situated

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 156 of 189

1	<u>DEMAN</u>	D FOR JURY TRIAL
2	PLAINTIFF hereby demands a jury trial with respect to all issues triable of right by jury.	
3		
4		Respectfully submitted,
5		MATERN LAW GROUP, PC
6	Ву:	
7	_	
8		Matthew J. Matern Tagore O. Subramaniam Julia Z. Wells
9		Julia Z. Wells Attorneys for Plaintiff
10		Attorneys for Plaintiff ALICIA REYNA, individually, and on behalf of other persons similarly situated
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	<u>3LF Document 1-1 Filed 03</u>	<u>/06/20 Page 157 of 189 CM-010</u>
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar		FOR COURT USE ONLY
Matthew Matern; Tagore Subramaniam; Julia Wells SBN: 159798; 280126; 314242 Matern Law Group PC ELECTRONICALLY FILED BY		
Matern Law Group, PC	Superior Court of California,	
1230 Rosecrans Avenue, Suite 200, Manhatt		1 '
TELEPHONE NO.:(310) 531-1900	fax no.:(310) 531-1901	County of Monterey
ATTORNEY FOR (Name): Plaintiff Alicia Reyna	NITEDEN	On 11/14/2019 12:00 PM
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MO STREET ADDRESS: 1200 Aguajito Rd.	NIEREI	By: Jacqueline Gilbert, Deputy
MAILING ADDRESS: 1200 Aguajito Rd.		
CITY AND ZIP CODE: Monterey, 93940		
BRANCH NAME: Monterey Courthouse		
CASE NAME: Alicia Reyna v. Westrock Com	inany et al	
OAGE WANE. Affela Reylla V. Westfock Coll	ipany, et al.	
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER: 19CV004600
X Unlimited	Counter Joinder	-
(Amount (Amount demanded is	Filed with first appearance by defend	dant JUDGE:
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	
	ow must be completed (see instructions	
Check one box below for the case type that		o., pago - //
Auto Tort	Contract	Provisionally Complex Civil Litigation
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3.400–3.403)
Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)
Asbestos (04)	Other contract (37)	Securities litigation (28)
Product liability (24)	Real Property	Environmental/Toxic tort (30)
Medical malpractice (45)	Eminent domain/Inverse	<u> </u>
Other PI/PD/WD (23)	condemnation (14)	Insurance coverage claims arising from the above listed provisionally complex case
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	types (41)
Business tort/unfair business practice (07	Other real property (26)	Enforcement of Judgment
Civil rights (08)	Unlawful Detainer	Enforcement of judgment (20)
Defamation (13)	Commercial (31)	Miscellaneous Civil Complaint
Fraud (16)	Residential (32)	RICO (27)
Intellectual property (19)	Drugs (38)	
Professional negligence (25)	Judicial Review	Other complaint (not specified above) (42)
Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	Miscellaneous Civil Petition
<u> </u>	Petition re: arbitration award (11)	Partnership and corporate governance (21)
Employment Wrongful termination (36)	Writ of mandate (02)	Other petition (not specified above) (43)
X Other employment (15)		
	Other judicial review (39)	ulan at Carret If the annual and annual are annual than
 This case X is is not com factors requiring exceptional judicial mana 		ules of Court. If the case is complex, mark the
a. Large number of separately repre	sented parties d. 🔀 Large numbe	er of witnesses
b. Extensive motion practice raising	difficult or novel e. Coordination	with related actions pending in one or more courts
issues that will be time-consuming	to resolve in other coun	ties, states, or countries, or in a federal court
c. X Substantial amount of documenta	_	ostjudgment judicial supervision
3. Remedies sought (check all that apply): a.	X monetary b. X nonmonetary;	declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): Ten		·
	ss action suit.	
6. If there are any known related cases, file a	and serve a notice of related case. (You	may use form CM-015.)
•	\rightarrow 1	(11) (1)
Date: November 14, 2019	▶ 1/1 1	H
Matthew Matern (TYPE OR PRINT NAME)		SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
	NOTICE	, , , , , , , , , , , , , , , , , , , ,
Plaintiff must file this cover sheet with the	tirst paper filed in the action or proceedir	ng (except small claims cases or cases filed
under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.		
 File this cover sheet in addition to any cov 	er sheet required by local court rule.	
If this case is complex under rule 3.400 et	seq. of the California Rules of Court, you	u must serve a copy of this cover sheet on all

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death)

Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death Product Liability (not asbestos or

toxic/environmental) (24) Medical Malpractice (45)

Medical Malpractice-

Physicians & Surgeons Other Professional Health Care

Malpractice Other PI/PD/WD (23)

Premises Liability (e.g., slip and fall)

Intentional Bodily Injury/PD/WD

(e.g., assault, vandalism) Intentional Infliction of **Emotional Distress** Negligent Infliction of

Emotional Distress Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (not civil

harassment) (08)

Defamation (e.g., slander, libel)

(13)Fraud (16)

Intellectual Property (19) Professional Negligence (25)

Legal Malpractice Other Professional Malpractice (not medical or legal)

Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

CASE TYPES AND EXAMPLES

Contract

Breach of Contract/Warranty (06) Breach of Rental/Lease

Contract (not unlawful detainer or wrongful eviction) Contract/Warranty Breach-Seller

Plaintiff (not fraud or negligence) Negligent Breach of Contract/

Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open book accounts) (09)

Collection Case-Seller Plaintiff Other Promissory Note/Collections

Case Insurance Coverage (not provisionally

complex) (18) Auto Subrogation Other Coverage

Other Contract (37) Contractual Fraud Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent domain, landlord/tenant, or

foreclosure)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39) Review of Health Officer Order Notice of Appeal-Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40)

Securities Litigation (28) Environmental/Toxic Tort (30)

Insurance Coverage Claims

(arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20) Abstract of Judgment (Out of County)

Confession of Judgment (nondomestic relations)

Sister State Judgment

Administrative Agency Award (not unpaid taxes)

Petition/Certification of Entry of Judgment on Unpaid Taxes

Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified above) (42)

> Declaratory Relief Only Injunctive Relief Only (nonharassment)

Mechanics Lien

Other Commercial Complaint Case (non-tort/non-complex)

Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)

Other Petition (not specified above) (43)

Civil Harassment Workplace Violence Elder/Dependent Adult

Abuse **Election Contest**

Petition for Name Change

Petition for Relief From Late Claim

Other Civil Petition

SUPERIOR COURT OF MONTEREY COUNTY Monterey Branch, 1200 Aguajito Road, Monterey, CA 93940		
Alicia Reyna	CASE NUMBER 19CV004600	
Vs. WestRock Company, et al.	Case Management Conference	

NOTICE OF ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

Your case designated COMPLEX or CLASS ACTION is assigned for all purposes to Honorable Lydia M. Villarreal Dept. 13

This notice and Alternative Dispute Resolution (ADR) information packet (CI-127)* must be served together with the Summons and Complaint pursuant to California Rule of Court 3.221. Parties are required to follow the case management rules as outlined in California Rule of Court 3.722 and Chapter 6 of the Local Rules of Court found on the court website at www.montereycourt.ca.gov . A joint case management statement shall be filed prior to the conference as outlined in California Rule of Court 3.725.

Date: March 17, 2020 Time: 9:00 AM

Location: 1200 Aguajito Road, Monterey, CA 93940

Pursuant to statutes of the State of California, it is the responsibility of the court to establish procedures for the timely and effective disposition of civil cases.

The court is charged with the responsibility of ensuring all parties a fair and timely resolution of their disputes, and the court is in the best position to establish neutral rules and policies without adversely affecting all parties' right to a fair trial. Effective management of the judicial system will build continuing respect by the community of government, minimize the costs to the parties and the public, and maximize the probability that cases will be timely resolved.

The goals of the Monterey County civil case and trial management system are:

- 1. To provide an effective and fair procedure for the timely disposition of civil cases:
- 2. To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions; and
- 3. To establish reasonable rules and policies to require that cases reporting "ready" for trial may be tried without unnecessary delays or interruptions.

Court proceedings are in English. If you or a witness in your case needs an interpreter, please complete Judicial Council form INT—300. You must file INT-300 at the first floor clerks counter (or by e-file) 15* business days prior to your hearing.

Los procedimientos judiciales son en inglés. Si usted o un testigo en su caso necesita un intérprete, complete el formulario INT-300 del Consejo Judicial. **Debe presentar el INT-300 con los empleados legales de la oficina del primer piso (o mediante archivo electrónico) 15* días hábiles antes de su audiencia.**

^{*}The ADR information packet (CI-127) can be found at FORMS on the court's website at www.monterey.courts.ca.gov.

		· ·	
1	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798)	ELECTRONICALLY FILED BY Superior Court of California,	
2	Email: mmatern@maternlawgroup.com	County of Monterey	
3	Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com	On 11/27/2019 11:42 AM By: Veronica Green, Deputy	
4	Julia Z. Wells (SBN 314242)		
5	Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200		
6	Manhattan Beach, California 90266 Telephone: (310) 531-1900		
7	Facsimile: (310) 531-1901		
8	Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated		
10	· ·	E STATE OF CALIFORNIA	
11	FOR THE COUNTY OF MONTEREY		
12			
13	ALICIA REYNA, individually, and on behalf	CASE NO.: 19CV004600	
14	of others similarly situated	[Assigned for all purposes to the Hon. Lydia	
15	Plaintiff,	M. Villarreal]	
	VS.	CLASS ACTION:	
16	WESTROCK COMPANY, a Delaware	AFFIDAVIT OF PREJUDICE - PEREMPTORY CHALLENGE TO	
17	corporation; WESTROCK SHARED SERVICES, LLC, a limited liability company;	JUDICIAL OFFICER [C.C.P. § 170.6]	
18	WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER		
19	PACKAGING GROUP, LLC, a limited liability company; WESTROCK CONVERTING, LLC,	Complaint filed: November 14, 2019	
20	a limited liability company; WESTROCK MWV, LLC, a limited liability company;		
21	WESTROCK HOLDINGS, INC., a limited liability company; WESTROCK CALIFORNIA		
22	LLC, a limited liability company; WESTROCK CP, LLC, a limited liability company;		
23	WÉSTRÓCK PACKAGING SÝSTÉMS, LLC, a limited liability company; and DOES 1		
24	through 100, inclusive,		
25	Defendants		
26			
27			
28			
UUP I	1	A PRIDATUTE OF DREHINGE DEBELANTORY	

MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

TO THE HONORABLE, THE SUPERVISING JUDGE OF THE ABOVE ENTITLED COURT:

Plaintiff Alicia Reyna, in the above-entitled matter, hereby moves that this action, which has been assigned to the Honorable Lydia M. Villarreal, Judge of the above-entitled Court, be reassigned from that judge, and that no matters hereinafter arising in this cause be heard by or assigned to the Honorable Lydia M. Villarreal on the ground that said judge is prejudiced against the plaintiff, her attorney and plaintiff's interests, in this action.

AFFIDAVIT OF PREJUDICE - PEREMPTORY CHALLENGE TO JUDICIAL OFFICER

- I, Tagore Subramaniam, declare as follows:
- 1. That I am an attorney for plaintiff Alicia Reyna in the within action.
- 2. That the Honorable Lydia M. Villarreal, the judicial officer before whom the aforesaid action is assigned, is prejudiced against plaintiff Alicia Reyna, the interest of plaintiff, and her attorneys, so that declarant and plaintiff cannot and believe that he and plaintiff cannot have a fair and impartial trial or hearing before the judicial officer.

I declare under penalty of perjury according to the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 27, 2019 at Manhattan Beach, California.

Tagore O. Subramaniam
Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated

MANHATTAN BEACH, CA 90266

SUPERIOR COURT OF CALI	FORNIA, COU	NTY OF MONTEREY
Alicia Reyna,		
vs. WestRock Company; WestRock Services, LLC; WestRock Consumer Packaging Group, LLC; WestRock MWV, LLC; WestRock California LLC; WestRock California, Inc.; WestRock CP, LLC; WestRock Packaging Systems, LLC, Defendant	Clerk: Date:	Elise Mouisset 12/17/2019
	Case No.	19CV004600
Out of Cour	t Entries by C	lerk

Affidavit of Prejudice pursuant to 170.6 CCP against Judge Lydla M. Villareal by Plaintiff's Attorney Tagore O. Subramaniam, submitted to Judge Susan J. Matcham for reassignment.

Case is assigned to Judge Marla O. Anderson in Monterey courtroom 14.

Plaintiff's Attorney is to notice all parties accordingly.

EXHIBIT 7

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: WESTROCK COMPANY, a corporation; (AVISO AL DEMANDADO): WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; Additional Parties Attachment form is attached.

YOU ARE BEING SUED BY PLAINTIFF: ALICIA REYNA, individually, and on (LO ESTÁ DEMANDANDO EL DEMANDANTE): behalf of others similarly situated

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

pagar or gravament do la corte antes de que la corte passa desconar el case.		
The name and address of the court is: (El nombre y dirección de la corte es): Superior Court of California, County of Monterey		
1200 Aguajito Rd.		
Monterey, California 93940 The name, address, and telephone number of plaintiff's attorney, or plaintiff without an	attorney is: Matthew I Matern	
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del d		
Matern Law Group, PC		
1230 Rosecrans Avenue, Suite 200, Manhattan Beach, CA 90266	(310) 531-1900	
(Fecha) (Secretario)	Jacqueline Gilbert , Deputy (Adjunto)	
(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)		
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)).		
NOTICE TO THE PERSON SERVED: You are serve 1. as an individual defendant.	u	
2. as the person sued under the fictitious name	e of (specify):	
3. XX on behalf of (specify): WestRock Packaging Systems, LLC, a limited liability company		
under: CCP 416.10 (corporation)	CCP 416.60 (minor)	
CCP 416.20 (defunct corporation)	CCP 416.70 (conservatee)	
CCP 416.40 (association or partners	ship) CCP 416.90 (authorized person)	
other (specify): limited liability of	company	
4 by personal delivery on (date):		

Page 1 of 1

Case 5:20-cv-01666-BLF Document 1-1 Filed 03/06/20 Page 165 of 189

	SUM-200(A)	
SHORT TITLE:	CASE NUMBER:	
_	19CV004600	
INSTRUCTIONS FOR USE → This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons. → If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached." List additional parties (Check only one box. Use a separate page for each type of party.): □ Plaintiff □ Defendant □ Cross-Complainant □ Cross-Defendant		
WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive,		

Page 1 of 1

1 2 3 4 5 6 7 8 9	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated SUPERIOR COURT OF TH	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/14/2019 12:00 PM By: Jacqueline Gilbert, Deputy
11		Y OF MONTEREY
12	ALICIA REYNA, individually, and on behalf	CASE NO.: 19CV004600
13	of others similarly situated	COMPLAINT
14	Plaintiff,	CLASS ACTION:
15 16 17 18 19 20 21 22 23 24 25 26 27	WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company; and DOES 1 through 100, inclusive, Defendants	 Failure to Provide Required Meal Periods Failure to Provide Required Rest Periods Failure to Pay Overtime Wages Failure to Pay Minimum Wages Failure to Pay All Wages Due to Discharged and Quitting Employees Failure to Maintain Required Records Failure to Furnish Accurate Itemized Wage Statements Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of Duties Unfair and Unlawful Business Practices REPRESENTATIVE ACTION: Penalties under the Labor Code Private Attorneys General Act, as Representative Action DEMAND FOR JURY TRIAL
28		CI ACC A CTION AND DEDDESCRITATIVE

MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

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INTRODUCTION

PLAINTIFF ALICIA REYNA ("PLAINTIFF"), an individual, demanding a jury trial, on behalf of herself and other persons similarly situated, hereby alleges as follows:

JURISDICTION AND VENUE

- 1. The Superior Court of the State of California has jurisdiction in this matter because PLAINTIFF is a resident of the State of California, and Defendants WESTROCK COMPANY, a corporation; WESTROCK SERVICES, LLC, a limited liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability company; WESTROCK MWV, LLC, a limited liability company; WESTROCK CALIFORNIA LLC, a limited liability company, formerly known as WESTROCK CALIFORNIA, INC.; WESTROCK CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC, a limited liability company and DOES 1 through 100, inclusive (collectively hereinafter, "DEFENDANTS"), are qualified to do business in California and regularly conduct business in California. Further, no federal question is at issue because the claims are based solely on California law.
- 2. Venue is proper in this judicial district and the County of Monterey, California because PLAINTIFF, and other persons similarly situated, performed work for DEFENDANTS in the County of Monterey, DEFENDANTS maintain offices and facilities and transact business in the County of Monterey, and because DEFENDANTS' illegal payroll policies and practices which are the subject of this action were applied, at least in part, to PLAINTIFF, and other persons similarly situated, in the County of Monterey.

PLAINTIFF

- 3. PLAINTIFF is a female resident of the State of California and a former employee of DEFENDANTS.
- 4. PLAINTIFF, on behalf of herself and other similarly situated current and former non-exempt employees of DEFENDANTS in the State of California at any time during the four years preceding the filing of this action, and continuing while this action is pending, brings this action to recover, among other things, wages and penalties from unpaid wages earned and due, including but not limited to unpaid minimum wages, unpaid and illegally calculated overtime

compensation, illegal meal and rest period policies, failure to pay all wages due to discharged and quitting employees, failure to indemnify employees for necessary expenditures and/or losses incurred in discharging their duties, failure to provide accurate itemized wage statements, failure to maintain required records, and interest, attorneys' fees, costs, and expenses.

5. PLAINTIFF brings this action on behalf of herself and the following similarly situated class of individuals ("CLASS MEMBERS"): all current and former non-exempt employees of DEFENDANTS in the State of California at any time within the period beginning four (4) years prior to the filing of this action and ending at the time this action settles or proceeds to final judgment (the "CLASS PERIOD"). PLAINTIFF reserves the right to name additional class representatives.

DEFENDANTS

- 6. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK COMPANY is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK COMPANY maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 7. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK SERVICES, LLC is, and at all times relevant herein was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, upon information and belief, Defendant WESTROCK SERVICES, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 8. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CONSUMER PACKAGING GROUP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll

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practices or policies in, the County of Monterey, State of California.

- 9. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK MWV, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK MWV, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- 10. PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT WESTROCK CALIFORNIA, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CALIFORNIA, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT 11. WESTROCK CP, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK CP, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- PLAINTIFF is informed and believes, and thereon alleges, that DEFENDANT 12. WESTROCK PACKAGING SYSTEMS, LLC is, and at all times relevant hereto was, authorized to conduct business in the State of California, and does conduct business in the State of California. Specifically, DEFENDANT WESTROCK PACKAGING SYSTEMS, LLC maintains offices and facilities and conducts business in, and engages in illegal payroll practices or policies in, the County of Monterey, State of California.
- The true names and capacities of DOES 1 through 50, inclusive, are unknown to 13. PLAINTIFF at this time, and PLAINTIFF therefore sues such DOE Defendants under fictitious PLAINTIFF is informed and believes, and thereon alleges, that each Defendant names.

designated as a DOE is in some manner highly responsible for the occurrences alleged herein, and that PLAINTIFF and CLASS MEMBERS' injuries and damages, as alleged herein, were proximately caused by the conduct of such DOE Defendants. PLAINTIFF will seek leave of the court to amend this Complaint to allege their true names and capacities of such DOE Defendants when ascertained.

- 14. At all relevant times herein, DEFENDANTS were the joint employers of PLAINTIFF and CLASS MEMBERS. PLAINTIFF is informed and believes, and thereon allege, that at all times material to this complaint DEFENDANTS were the alter egos, divisions, affiliates, integrated enterprises, joint employers, subsidiaries, parents, principals, related entities, co-conspirators, authorized agents, partners, joint venturers, and/or guarantors, actual or ostensible, of each other. Each Defendant was completely dominated by his, her or its co-Defendant, and each was the alter ego of the other.
- by DEFENDANTS under employment agreements that were partly written, partly oral, and partly implied. In perpetrating the acts and omissions alleged herein, DEFENDANTS, and each of them, acted pursuant to, and in furtherance of, their policies and practices of not paying PLAINTIFF and CLASS MEMBERS all wages earned and due, through methods and schemes which include, but are not limited to, failing to pay overtime premiums; failing to provide rest and meal periods; failing to properly maintain records; failing to provide accurate itemized statements for each pay period; failing to properly compensate PLAINTIFF and CLASS MEMBERS for necessary expenditures; and requiring, permitting or suffering the employees to work off the clock, in violation of the California Labor Code and the applicable Welfare Commission ("IWC") Orders.
- 16. PLAINTIFF is informed and believes, and thereon allege, that each and every one of the acts and omissions alleged herein were performed by, and/or attributable to, all DEFENDANTS, each acting as agents and/or employees, and/or under the direction and control of, each of the other DEFENDANTS, and that said acts and failures to act were within the course and scope of said agency, employment and/or direction and control.

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17. As a direct and proximate result of the unlawful actions of DEFENDANTS, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, from loss of earnings in amounts as yet unascertained, but subject to proof at trial, and within the jurisdiction of this Court.

CLASS ACTION DESIGNATION

- 18. This action is appropriately suited for a Class Action because:
- a. The potential class is a significant number. Joinder of all current and former employees individually would be impractical.
- b. This action involves common questions of law and fact to the potential class because the action focuses on DEFENDANTS' systematic course of illegal payroll practices and policies, which was applied to all non-exempt employees in violation of the Labor Code, the applicable IWC wage order, and the Business and Professions Code which prohibits unfair business practices arising from such violations.
- c. The claims of PLAINTIFF are typical of the class because DEFENDANTS subjected all non-exempt employees to identical violations of the Labor Code, the applicable IWC wage order, and the Business and Professions Code.
- d. PLAINTIFF is able to fairly and adequately protect the interests of all members of the class because it is in her best interests to prosecute the claims alleged herein to obtain full compensation due to them for all services rendered and hours worked.

FIRST CAUSE OF ACTION

Failure to Provide Required Meal Periods

[Cal. Labor Code §§ 226.7, 510, 512, 1194, 1197; IWC Wage Order No. 1-2001, § 11] (Against all DEFENDANTS)

- 15. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 16. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS required, permitted or otherwise suffered PLAINTIFF and CLASS MEMBERS to take less than

the 30-minute meal period, or to work through them, and have failed to otherwise provide the required meal periods to PLAINTIFF and CLASS MEMBERS pursuant to California Labor Code § 226.7, 512 and IWC Order No. 1-2001, § 11.

- 17. DEFENDANTS further violated California Labor Code §§ 226.7 and IWC Wage Order No. 1-2001, § 11 by failing to compensate PLAINTIFF and CLASS MEMBERS who were not provided with a meal period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a meal period was not provided.
- 18. DEFENDANTS further violated California Labor Code §§ 226.7, 510, 1194, 1197, and IWC Wage Order No. 1-2001 by failing to compensate PLAINTIFF and CLASS MEMBERS for all hours worked during their meal periods.
- 19. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

SECOND CAUSE OF ACTION

Failure to Provide Required Rest Periods

[Cal. Labor Code §§ 226.7, 512; IWC Wage Order No. 1-2001, § 12] (Against all DEFENDANTS)

- 20. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 21. At all times relevant herein, as part of DEFENDANTS' illegal payroll policies and practices to deprive their non-exempt employees all wages earned and due, DEFENDANTS failed to provide rest periods to PLAINTIFF and CLASS MEMBERS as required under California Labor Code §§ 226.7 and 512, and IWC Wage Order No. 1-2001, § 12.
- 22. DEFENDANTS further violated California Labor Code § 226.7 and IWC Wage Order No. 1-2001, § 12 by failing to pay PLAINTIFF and CLASS MEMBERS who were not provided with a rest period, in accordance with the applicable wage order, one additional hour of compensation at each employee's regular rate of pay for each workday that a rest period was not

provided.

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23. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS

MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, interest, penalties, expenses, and costs of suit.

THIRD CAUSE OF ACTION

Failure to Pay Overtime Wages

[Cal. Labor Code §§ 510, 1194, 1198; IWC Wage Order No. 1-2001, § 3]

(Against all DEFENDANTS)

- 24. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- Pursuant to California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-25. 2001, § 3, DEFENDANTS are required to compensate PLAINTIFF and CLASS MEMBERS for all overtime, which is calculated at one and one-half (1 ½) times the regular rate of pay for all hours worked in excess of eight (8) hours per day and/or forty (40) hours per week, and for the first eight (8) hours on the seventh consecutive workday, with double time for all hours worked in excess of twelve (12) hours in any workday and for all hours worked in excess of eight (8) hours on the seventh consecutive day of work in any workweek.
- 26. PLAINTIFF and CLASS MEMBERS are current and former non-exempt employees entitled to the protections of California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001. During the CLASS PERIOD, DEFENDANTS failed to compensate PLAINTIFF and CLASS MEMBERS for all overtime hours worked as required under the foregoing provisions of the California Labor Code and IWC Wage Order by, among other things: failing to pay overtime at one and one-half (1 ½) or double the regular rate of pay as provided by California Labor Code §§ 510, 1194, and IWC Wage Order No. 1-2001, § 3; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate

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itemized wage statements to PLAINTIFF for each pay period; and other methods to be discovered.

- 27. In violation of California law, DEFENDANTS have knowingly and willfully refused to perform their obligations to compensate PLAINTIFF and CLASS MEMBERS for all wages earned and all hours worked. As a proximate result, PLAINTIFF and CLASS MEMBERS have suffered, and continue to suffer, substantial losses related to the use and enjoyment of such wages, lost interest on such wages, and expenses and attorneys' fees in seeking to compel DEFENDANTS to fully perform their obligations under state law, all to their respective damages in amounts according to proof at time of trial, and within the jurisdiction of this Court.
- 28. DEFENDANTS' conduct described herein violates California Labor Code §§ 510, 1194, 1198 and IWC Wage Order No. 1-2001, § 3. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the California Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FOURTH CAUSE OF ACTION

Failure to Pay Minimum Wages

[Cal Labor Code §§ 1194, 1197; IWC Wage Order No. 1-2001, § 4]

(Against all DEFENDANTS)

- 29. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 30. Pursuant to California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4, payment to an employee of less than the applicable minimum wage for all hours worked in a payroll period is unlawful.
- 31. During the CLASS PERIOD, DEFENDANTS failed to pay PLAINTIFF and CLASS MEMBERS minimum wages for all hours worked by, among other things: requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work off the clock; requiring, permitting or suffering PLAINTIFF and CLASS MEMBERS to work through meal and rest

breaks; illegally and inaccurately recording time in which PLAINTIFF and CLASS MEMBERS worked; failing to properly maintain PLAINTIFF's and CLASS MEMBERS' records; failing to provide accurate itemized wage statements to PLAINTIFF and CLASS MEMBERS for each pay period; and other methods to be discovered.

32. DEFENDANTS' conduct described herein violates California Labor Code §§ 1194, 1197, and IWC Wage Order No. 1-2001, § 4. As a proximate result of the aforementioned violations, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial. Therefore, pursuant to California Labor Code §§ 200, 203, 226, 558, 1194, 1197.1, and other applicable provisions under the Labor Code and IWC Wage Orders, PLAINTIFF and CLASS MEMBERS are entitled to recover the unpaid balance of wages owed to them by DEFENDANTS, plus interest, penalties, attorneys' fees, expenses, and costs of suit.

FIFTH CAUSE OF ACTION

Failure to Pay All Wages Due to Discharged and Quitting Employees [Cal. Labor Code §§ 201, 202, 203] (Against all DEFENDANTS)

- 33. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 34. Pursuant to California Labor Code § 201, 202, and 203, DEFENDANTS are required to pay all earned and unpaid wages to an employee who is discharged. California Labor Code § 201 mandates that if an employer discharges an employee, the employee's wages accrued and unpaid at the time of discharge are due and payable immediately.
- 35. Furthermore, pursuant to California Labor Code § 202, DEFENDANTS are required to pay all accrued wages due to an employee no later than 72 hours after the employee quits his or her employment, unless the employee provided 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.
- 36. California Labor Code § 203 provides that if an employer willfully fails to pay, in accordance with California Labor Code §§ 201 and 202, any wages of an employee who is discharged or who quits, the employer is liable for waiting time penalties in the form of continued

compensation to the employee at the same rate for up to 30 workdays.

- 37. During the CLASS PERIOD, DEFENDANTS have willfully failed to pay accrued wages and other compensation to PLAINTIFF and CLASS MEMBERS in accordance with California Labor Code §§ 201 and 202.
- 38. As a result, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including the waiting time penalties provided in California Labor Code § 203, together with interest thereon, as well as other available remedies.
- 39. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been deprived of compensation in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court, and are entitled to recovery of such amounts, plus interest thereon, and attorneys' fees and costs, pursuant to California Labor Code §§ 1194 and 2699.

SIXTH CAUSE OF ACTION

Failure to Maintain Required Records

[Cal. Labor Code §§ 226; IWC Wage Order No. 1-2001, § 7]

(Against all DEFENDANTS)

- 40. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 41. During the CLASS PERIOD, as part of DEFENDANTS' illegal payroll policies and practices to deprive PLAINTIFF and CLASS MEMBERS of all wages earned and due, DEFENDANTS knowingly and intentionally failed to maintain records as required under California Labor Code §§ 226, 1174, and IWC Wage Order No. 1-2001, § 7, including but not limited to the following records: total daily hours worked by each employee; applicable rates of pay; all deductions; meal periods; time records showing when each employee begins and ends each work period; and accurate itemized statements.
- 42. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and are entitled to all wages earned and due, plus interest thereon. Additionally,

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PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

SEVENTH CAUSE OF ACTION

Failure to Furnish Accurate Itemized Wage Statements [Cal. Labor Code §§ 226, 1174; IWC Wage Order No. 1-2001, § 7] (Against all DEFENDANTS)

- 43. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 44. During the CLASS PERIOD, DEFENDANTS routinely failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in writing showing each employee's gross wages earned, total hours worked, all deductions made, net wages earned, the name and address of the legal entity or entities employing PLAINTIFF and CLASS MEMBERS, and all applicable hourly rates in effect during each pay period and the corresponding number of hours worked at each hourly rate, in violation of California Labor Code § 226 and IWC Wage Order No. 1-2001, § 7.
- 45. During the CLASS PERIOD, DEFENDANTS knowingly and intentionally failed to provide PLAINTIFF and CLASS MEMBERS with timely, accurate, and itemized wage statements in accordance with California Labor Code § 226(a).
- 46. As a proximate result of DEFENDANTS' unlawful actions and omissions, PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof at trial, and seek all wages earned and due, plus interest thereon. Additionally, PLAINTIFF and CLASS MEMBERS are entitled to all available statutory penalties, including but not limited to civil penalties pursuant to California Labor Code §§ 226(e), 226.3, and 1174.5, and an award of costs, expenses, and reasonable attorneys' fees, including but not limited to those provided in California Labor Code § 226(e), as well as other available remedies.

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1	EIGHTH CAUSE OF ACTION
2	Failure to Indemnify Employees for Necessary Expenditures Incurred in Discharge of
3	Duties
4	[Cal. Labor Code § 2802]
5	(Against all DEFENDANTS)
6	47. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the
7	allegations in the foregoing paragraphs.
8	48. California Labor Code § 2802(a) requires an employer to indemnify an employee
9	for all necessary expenditures or losses incurred by the employee in direct consequence of the
10	discharge of his or her duties, or of his or her obedience to the directions of the employer.
11	49. During the CLASS PERIOD, DEFENDANTS knowingly and willfully failed to
12	indemnify PLAINTIFF and CLASS MEMBERS for all business expenses and/or losses incurred
13	in direct consequence of the discharge of their duties while working under the direction of
۱4	DEFENDANTS, including but not limited to expenses for tools, steel toed boots, uniform-related
15	expenses, usage of personal cell phones, and other employment-related expenses, in violation of
16	California Labor Code § 2802.
۱7	50. As a proximate result of DEFENDANTS' unlawful actions and omissions
18	PLAINTIFF and CLASS MEMBERS have been damaged in an amount according to proof a
19	trial, and seek reimbursement of all necessary expenditures, plus interest thereon pursuant to
20	California Labor Code § 2802(b). Additionally, PLAINTIFF and CLASS MEMBERS are
21	entitled to all available statutory penalties and an award of costs, expenses, and reasonable
22	attorneys' fees, including those provided in California Labor Code § 2802(c), as well as other
23	available remedies.
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NINTH CAUSE OF ACTION

Unfair and Unlawful Business Practices

[Cal. Bus. & Prof. Code §§ 17200 et. seq.]

(Against all DEFENDANTS)

- 51. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.
- 52. Each and every one of DEFENDANTS' acts and omissions in violation of the California Labor Code and/or the applicable IWC Wage Order as alleged herein, including but not limited to DEFENDANTS' failure and refusal to provide required meal periods, DEFENDANTS' failure and refusal to provide required rest periods, DEFENDANTS' failure and refusal to pay overtime compensation, DEFENDANTS' failure and refusal to pay minimum wages, DEFENDANTS' failure and refusal to pay all wages due to discharged or quitting employees, DEFENDANTS' failure and refusal to furnish accurate itemized wage statements; DEFENDANTS' failure and refusal to maintain required records, DEFENDANTS' failure and refusal to indemnify PLAINTIFF and CLASS MEMBERS for necessary expenditures and/or losses incurring in discharging their duties, constitutes an unfair and unlawful business practice under California Business and Professions Code § 17200 et seq.
- 53. DEFENDANTS' violations of California wage and hour laws constitute a business practice because DEFENDANTS' aforementioned acts and omissions were done repeatedly over a significant period of time, and in a systematic manner, to the detriment of PLAINTIFF and CLASS MEMBERS.
- 54. DEFENDANTS have avoided payment of wages, overtime wages, meal periods, rest periods, and other benefits as required by the California Labor Code, the California Code of Regulations, and the applicable IWC Wage Order. Further, DEFENDANTS have failed to record, report, and pay the correct sums of assessment to the state authorities under the California Labor Code and other applicable regulations.
- 55. As a result of DEFENDANTS' unfair and unlawful business practices, DEFENDANTS have reaped unfair and illegal profits during the CLASS PERIOD at the expense

of PLAINTIFF, CLASS MEMBERS, and members of the public. DEFENDANTS should be made to disgorge their ill-gotten gains and to restore them to PLAINTIFF and CLASS MEMBERS.

56. DEFENDANTS' unfair and unlawful business practices entitle PLAINTIFF and CLASS MEMBERS to seek preliminary and permanent injunctive relief, including but not limited to orders that DEFENDANTS account for, disgorge, and restore to PLAINTIFF and CLASS MEMBERS the wages and other compensation unlawfully withheld from them. PLAINTIFF and CLASS MEMBERS are entitled to restitution of all monies to be disgorged from DEFENDANTS in an amount according to proof at the time of trial, but in excess of the jurisdiction of this Court.

TENTH CAUSE OF ACTION

Representative Action for Civil Penalties

[Cal. Labor Code §§ 2698–2699.5]

(Against All DEFENDANTS)

- 57. PLAINTIFF incorporates herein by specific reference as though fully set forth the allegations in all preceding paragraphs, with exception of the allegations in paragraph 21 and the subparagraphs thereto.
- 58. PLAINTIFF is an "aggrieved employee" within the meaning of California Labor Code § 2699(c), and a proper representative to bring a civil action on behalf of herself and other current and former employees of DEFENDANTS pursuant to the procedures specified in California Labor Code § 2699.3, because PLAINTIFF and CLASS MEMBERS were employed by DEFENDANTS and the alleged violations of the California Labor Code were committed against PLAINTIFF and CLASS MEMBERS.
- 59. Pursuant to the California Private Attorneys General Act of 2004 ("PAGA"), Labor Code §§ 2698–2699.5, PLAINTIFF and CLASS MEMBBERS seeks to recover civil penalties, including but not limited to penalties under California Labor Code §§ 2699, 210, 226.3, 558, 1174.5, 1197.1, and IWC Wage Order No. 1-2001, § 20, from DEFENDANTS in a representative action for the violations set forth above, including but not limited to violations of

California Labor Code §§ 201, 202, 203, 204, 226, 226.7, 510, 512, 1174, 1194, 1197, 1198, and 2802. PLAINTIFF and CLASS MEMBERS are also entitled to an award of reasonable attorneys' fees and costs pursuant to California Labor Code § 2699(g)(1).

- 60. Pursuant to California Labor Code §§ 2699.3, PLAINTIFF gave written notice on August 29, 2019 by online filing to the California Labor and Workforce Development Agency ("LWDA") and by certified mail to DEFENDANTS of the specific provisions of the California Labor Code and IWC Wage Orders alleged to have been violated, including the facts and theories to support the alleged violations. More than sixty-five (65) days have passed and the LWDA has not provided notice to PLAINTIFF that it intends to investigate the alleged violations.
- 61. Therefore, PLAINTIFF has complied with all of the requirements set forth in California Labor Code § 2699.3 to commence a representative action under PAGA.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF, individually and on behalf of all other persons similarly situated, respectfully prays for relief against DEFENDANTS and DOES 1 through 50, inclusive, and each of them, as follows:

- 1. For compensatory damages in an amount to be ascertained at trial;
- 2. For restitution of all monies due to PLAINTIFF and CLASS MEMBERS, as well as disgorged profits from DEFENDANTS' unfair and unlawful business practices;
- 3. For meal and rest period compensation pursuant to California Labor Code § 226.7 and IWC Wage Order No. 1-2001;
 - 4. For liquidated damages pursuant to California Labor Code §§ 1194.2 and 1197.1;
- 5. For preliminary and permanent injunctive relief enjoining DEFENDANTS from violating the relevant provisions of the California Labor Code and the IWC Wage Orders, and from engaging in the unlawful business practices complained of herein;
 - 6. For waiting time penalties pursuant to California Labor Code § 203;
- 7. For statutory and civil penalties according to proof, including but not limited to all penalties authorized by the California Labor Code §§ 226(e) and §§ 2698–2699.5;

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- 8. For interest on the unpaid wages at 10% per annum pursuant to California Labor Code §§ 218.6, 1194, 2802, California Civil Code §§ 3287, 3288, and/or any other applicable provision providing for pre-judgment interest;
- 9. For reasonable attorneys' fees and costs pursuant to California Labor Code §§ 1194, 2699, 2802, California Civil Code § 1021.5, and any other applicable provisions providing for attorneys' fees and costs;
 - 10. For declaratory relief;
- 11. For an order requiring and certifying the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Causes of Action as a class action;
- 12. For an order appointing PLAINTIFF as class representative, and PLAINTIFF's counsel as class counsel; and
 - 13. For such further relief that the Court may deem just and proper.

DATED: November 14, 2019

Respectfully submitted,

MATERN LAW GROUP, PC

Bv

Matthew J. Matern Tagore O. Subramaniam

Julia Z. Wells

Attorneys for Plaintiff

ALICIA REYNA, individually, and on behalf of other persons similarly situated

MANHATTAN BEACH, CA 90266

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1		ND FOR JURY TRIAL
2	PLAINTIFF hereby demands a ju	ry trial with respect to all issues triable of right by jury.
3	DATED: November 14, 2019	Respectfully submitted,
4		MATERN LAW GROUP, PC
5	By:	
6		TITITITI
7		Matthew J. Matern
8		Tagore O. Subramaniam Julia Z. Wells
9		Attorneys for Plaintiff ALICIA REYNA, individually, and on behalf of other persons similarly situated
10		behalf of other persons similarly situated
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MATERN LAW GROUP 1230 ROSECRANS AVENUE, STE 200 MANHATTAN BEACH, CA 90266

	3LE Document 1-1 Filed 03/						
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Matthew Matern; Tagore Subramaniam; Julia Wells SBN: 159798; 280126; 314242							
	ELECTRONICALLY FILED BY						
Matern Law Group, PC	1						
1230 Rosecrans Avenue, Suite 200, Manhatta	Superior Court of California,						
TELEPHONE NO.:(310) 531-1900	County of Monterey						
ATTORNEY FOR (Name): Plaintiff Alicia Reyna SUPERIOR COURT OF CALIFORNIA, COUNTY OF MO	On 11/14/2019 12:00 PM						
STREET ADDRESS: 1200 Aguajito Rd.	By: Jacqueline Gilbert, Deputy						
MAILING ADDRESS: 1200 Aguajito Rd.							
CITY AND ZIP CODE: Monterey, 93940							
BRANCH NAME: Monterey Courthouse							
CASE NAME: Alicia Reyna v. Westrock Com							
	F						
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER: 19CV004600					
X Unlimited Limited		190004600					
(Amount (Amount	Counter Joinder						
demanded demanded is	Filed with first appearance by defend	dant JUDGE:					
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	DEPT:					
Items 1–6 bel	ow must be completed (see instructions	on page 2).					
1. Check one box below for the case type tha	t best describes this case:						
Auto Tort	Contract	Provisionally Complex Civil Litigation					
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3.400-3.403)					
Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)					
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)					
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)					
Asbestos (04)	Other contract (37)	Securities litigation (28)					
Product liability (24)	Real Property	Environmental/Toxic tort (30)					
Medical malpractice (45)	Eminent domain/Inverse	Insurance coverage claims arising from the					
Other PI/PD/WD (23)	condemnation (14)	above listed provisionally complex case					
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	types (41)					
Business tort/unfair business practice (07	Other real property (26)	Enforcement of Judgment					
Civil rights (08)	<u>Unla</u> wful Detainer	Enforcement of judgment (20)					
Defamation (13)	Commercial (31)	Miscellaneous Civil Complaint					
Fraud (16)	Residential (32)	RICO (27)					
Intellectual property (19)	Drugs (38)	Other complaint (not specified above) (42)					
Professional negligence (25)	Judicial Review	Miscellaneous Civil Petition					
Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	Partnership and corporate governance (21)					
Employment	Petition re: arbitration award (11)	Other petition (not specified above) (43)					
Wrongful termination (36)	Writ of mandate (02)	Carlot polition (not appointed above) (40)					
X Other employment (15)	Other judicial review (39)						
2. This case X is is not com	olex under rule 3.400 of the California Ru	lles of Court. If the case is complex, mark the					
factors requiring exceptional judicial mana		,					
a. Large number of separately repre	sented parties d. X Large numbe	r of witnesses					
b. Extensive motion practice raising	difficult or novel e. Coordination	with related actions pending in one or more courts					
issues that will be time-consuming		ties, states, or countries, or in a federal court					
c. X Substantial amount of documenta	· —	ostjudgment judicial supervision					
							
3. Remedies sought (check all that apply): a.		declaratory or injunctive relief					
4. Number of causes of action (specify): Ten	(10)						
	ss action suit.						
6. If there are any known related cases, file a	and serve a notice of related case. (You i	may use form CM-015.)					
Date: November 14, 2019	-11	IN XII					
Matthew Matern) /// <i>/</i> /	74//1/1X					
(TYPE OR PRINT NAME)	<u></u>	SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)					
	NOTICE	/					
Plaintiff must file this cover sheet with the under the Probate Code, Family Code, or the probate Code.							
under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.							
 File this cover sheet in addition to any cover 	 File this cover sheet in addition to any cover sheet required by local court rule. 						
	seq. of the California Rules of Court, you	I must serve a copy of this cover sheet on all					
other parties to the action or proceeding.	0.740 or a complete sees this sees of	sat will be used for statistical accordance.					
Unless this is a collections case under rule	3.740 or a complex case, this cover she	eet will be used for statistical purposes only. Page 1 of 2					
Form Adopted for Mandatory Use	CIVIL CASE COVER SHEET	Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740;					
Judicial Council of California CM-010 [Rev. July 1, 2007]		Cal. Standards of Judicial Administration, std. 3.10 www.courtinfo.ca.gov					
	{	Westlaw Doc & Form Builder-					

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INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death)

Asbestos (04)

Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death Product Liability (not asbestos or toxic/environmental) (24)

Medical Malpractice (45) Medical Malpractice-

> Physicians & Surgeons Other Professional Health Care

Malpractice Other PI/PD/WD (23)

Premises Liability (e.g., slip and fall)

Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)

Intentional Infliction of **Emotional Distress**

Negligent Infliction of **Emotional Distress** Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination, false arrest) (not civil

harassment) (08)

Defamation (e.g., slander, libel) (13)

Fraud (16)

Intellectual Property (19) Professional Negligence (25)

> Legal Malpractice Other Professional Malpractice (not medical or legal)

Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

CASE TYPES AND EXAMPLES

Contract

Breach of Contract/Warranty (06) Breach of Rental/Lease

Contract (not unlawful detainer or wrongful eviction) Contract/Warranty Breach-Seller

Plaintiff (not fraud or negligence) Negligent Breach of Contract/

Warranty

Other Breach of Contract/Warranty Collections (e.g., money owed, open

book accounts) (09)

Collection Case-Seller Plaintiff Other Promissory Note/Collections

Case Insurance Coverage (not provisionally

complex) (18) Auto Subrogation Other Coverage

Other Contract (37) Contractual Fraud Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent domain, landlord/tenant, or

foreclosure)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39)
Review of Health Officer Order Notice of Appeal-Labor

Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40)

Securities Litigation (28) Environmental/Toxic Tort (30)

Insurance Coverage Claims

(arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20) Abstract of Judgment (Out of County)

Confession of Judgment (nondomestic relations)

Sister State Judgment

Administrative Agency Award (not unpaid taxes)

Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified above) (42)

Declaratory Relief Only Injunctive Relief Only (nonharassment)

Mechanics Lien

Other Commercial Complaint Case (non-tort/non-complex)

Other Civil Complaint

(non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)

Other Petition (not specified above) (43)

Civil Harassment Workplace Violence Elder/Dependent Adult Abuse

Election Contest

Petition for Name Change Petition for Relief From Late

Claim

Other Civil Petition

SUPERIOR COURT OF MONTEREY COUNTY Monterey Branch, 1200 Aguajito Road, Monterey, CA 93940		
Alicia Reyna	CASE NUMBER 19CV004600	
vs. WestRock Company, et al.	Case Management Conference	

NOTICE OF ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

Your case designated COMPLEX or CLASS ACTION is assigned for all purposes to Honorable Lydia M. Villarreal Dept. 13

This notice and Alternative Dispute Resolution (ADR) information packet (CI-127)* <u>must</u> be served together with the Summons and Complaint pursuant to California Rule of Court 3.221. Parties are required to follow the case management rules as outlined in California Rule of Court 3.722 and Chapter 6 of the Local Rules of Court found on the court website at <u>www.montereycourt.ca.gov</u>. A joint case management statement shall be filed prior to the conference as outlined in California Rule of Court 3.725.

Date: March 17, 2020 Time:9:00 AM

Location: 1200 Aguajito Road, Monterey, CA 93940

*The ADR information packet (CI-127) can be found at FORMS on the court's website at www.monterey.courts.ca.gov.

Pursuant to statutes of the State of California, it is the responsibility of the court to establish procedures for the timely and effective disposition of civil cases.

The court is charged with the responsibility of ensuring all parties a fair and timely resolution of their disputes, and the court is in the best position to establish neutral rules and policies without adversely affecting all parties' right to a fair trial. Effective management of the judicial system will build continuing respect by the community of government, minimize the costs to the parties and the public, and maximize the probability that cases will be timely resolved.

The goals of the Monterey County civil case and trial management system are:

- 1. To provide an effective and fair procedure for the timely disposition of civil cases;
- 2. To provide a mechanism to gather needed case information in order to make appropriate judicial management decisions; and
- 3. To establish reasonable rules and policies to require that cases reporting "ready" for trial may be tried without unnecessary delays or interruptions.

Court proceedings are in English. If you or a witness in your case needs an interpreter, please complete Judicial Council form INT—300. You must file INT-300 at the first floor clerks counter (or by e-file) 15* business days prior to your hearing.

Los procedimientos judiciales son en inglés. Si usted o un testigo en su caso necesita un intérprete, complete el formulario INT-300 del Consejo Judicial. **Debe presentar el INT-300 con los empleados legales de la oficina del primer piso (o mediante archivo electrónico) 15* días hábiles antes de su audiencia.**

1 2 3 4 5 6 7 8 9	MATERN LAW GROUP, PC Matthew J. Matern (SBN 159798) Email: mmatern@maternlawgroup.com Tagore O. Subramaniam (SBN 280126) Email: tagore@maternlawgroup.com Julia Z. Wells (SBN 314242) Email: jwells@maternlawgroup.com 1230 Rosecrans Avenue, Suite 200 Manhattan Beach, California 90266 Telephone: (310) 531-1900 Facsimile: (310) 531-1901 Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated	ELECTRONICALLY FILED BY Superior Court of California, County of Monterey On 11/27/2019 11:42 AM By: Veronica Green, Deputy
10	SUPERIOR COURT OF TH	HE STATE OF CALIFORNIA
11	FOR THE COUNT	TY OF MONTEREY
12		
13	ALICIA REYNA, individually, and on behalf	CASE NO.: 19CV004600
14	of others similarly situated	[Assigned for all purposes to the Hon. Lydia
15	Plaintiff,	M. Villarreal] CLASS ACTION:
16	vs.	AFFIDAVIT OF PREJUDICE -
17	WESTROCK COMPANY, a Delaware corporation; WESTROCK SHARED	PEREMPTORY CHALLENGE TO
18	SERVICES, LLC, a limited liability company; WESTROCK SERVICES, LLC, a limited	JUDICIAL OFFICER [C.C.P. § 170.6]
19	liability company; WESTROCK CONSUMER PACKAGING GROUP, LLC, a limited liability	
20	company; WESTROCK CONVERTING, LLC, a limited liability company; WESTROCK	Complaint filed: November 14, 2019
21	MWV, LLC, a limited liability company; WESTROCK HOLDINGS, INC., a limited	
22	liability company; WESTROCK CALIFORNIA LLC, a limited liability company; WESTROCK	
23	CP, LLC, a limited liability company; WESTROCK PACKAGING SYSTEMS, LLC,	
24	a limited liability company; and DOES 1 through 100, inclusive,	
25	Defendants	
26		
27		
28		

TO THE HONORABLE, THE SUPERVISING JUDGE OF THE ABOVE ENTITLED COURT:

Plaintiff Alicia Reyna, in the above-entitled matter, hereby moves that this action, which has been assigned to the Honorable Lydia M. Villarreal, Judge of the above-entitled Court, be reassigned from that judge, and that no matters hereinafter arising in this cause be heard by or assigned to the Honorable Lydia M. Villarreal on the ground that said judge is prejudiced against the plaintiff, her attorney and plaintiff's interests, in this action.

AFFIDAVIT OF PREJUDICE - PEREMPTORY CHALLENGE TO JUDICIAL OFFICER

- I, Tagore Subramaniam, declare as follows:
- 1. That I am an attorney for plaintiff Alicia Reyna in the within action.
- 2. That the Honorable Lydia M. Villarreal, the judicial officer before whom the aforesaid action is assigned, is prejudiced against plaintiff Alicia Reyna, the interest of plaintiff, and her attorneys, so that declarant and plaintiff cannot and believe that he and plaintiff cannot have a fair and impartial trial or hearing before the judicial officer.

I declare under penalty of perjury according to the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on November 27, 2019 at Manhattan Beach, California.

Tagore O. Subramaniam
Attorneys for Plaintiff ALICIA REYNA individually, and on behalf of others similarly situated

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY					
Alicia Reyna,					
Plaintiff vs. WestRock Company; WestRock Services, LLC; WestRock Consumer Packaging Group, LLC; WestRock MWV, LLC; WestRock California LLC; WestRock California, Inc.; WestRock CP, LLC; WestRock Packaging Systems, LLC, Defendant	Clerk: Date:	Elise Mouisset 12/17/2019			
	Case No.	19CV004600			
Out of Cour	Entries by C	lerk			

Affidavit of Prejudice pursuant to 170.6 CCP against Judge Lydla M. Villareal by Plaintiff's Attorney Tagore O. Subramaniam, submitted to Judge Susan J. Matcham for reassignment.

Case is assigned to Judge Marla O. Anderson in Monterey courtroom 14.

Plaintiff's Attorney is to notice all parties accordingly.